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COMMONWEALTH OF MASSACHUSETTS
CITY OF CAMBRIDGE

IN RE: LICENSE COMMISSION GENERAL HEARINGS

Michael Gardner, Acting Chairman
Robert C. Haas, Police Commissioner
Gerald Mahoney, Deputy Fire Chief

STAFF:

Elizabeth Y. Lint, Executive Officer

-- held at --

Citywide Senior Center
806 Massachusetts Avenue
Cambridge, Massachusetts

Tuesday, February 22, 2011

6:00 p.m.

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P R O C E E D I N G S

ELIZABETH LINT: Before we get started, if anybody has a cell phone on, we'd appreciate it if you'd turn it off.

Good evening. It's the License Commission General Hearing, Tuesday evening, February 22, 2011. It's six o'clock p.m. We're in the Citywide Senior Center, 806 Mass. Ave, Walter Milne Ballroom. Before you the Commissioners, Chairman, Mike Gardner, Commissioner Robert Haas and Deputy Chief Gerald Mahoney.

If anyone is here for the public comment policy on page three, that matter has been continued to March 15th.

* * * * *

Application Bertucci's Restaurant Corporation doing business as Bertucci's Brick Oven Ristorante, Mark Yates, manager, holder of an all alcoholic beverages as a restaurant license at Five Cambridge Park

1 Drive has applied for a change of manager
2 from Mark Yates to Giovanni Cefalo.

3 ATTORNEY JOSEPH DEVLIN: My
4 goodness, just the way I planned it. Good
5 evening, my name is Joe Devlin. I'm an
6 attorney from the Demakis Law Offices in
7 Lynn, Massachusetts. With me is the proposed
8 manager, Giovanni Cefalo. He's worked for
9 Bertucci's for 14 years in just about every
10 position you can think of. He's Serve Safe
11 certified with both alcohol and food service.
12 It's a chain restaurant. Not a lot's going
13 to change under his management, but he's
14 looking forward to being a productive member
15 of the community and to answer any questions
16 you might have tonight.

17 MICHAEL GARDNER: Thank you very
18 much. Have you served, sir, as a manager
19 before?

20 GIOVANNI CEFALO: Yes, sir.

21 MICHAEL GARDNER: And whereabouts?

1 GIOVANNI CEFALO: Several Locations:
2 Peabody, Newton, Reading. About nine
3 restaurants altogether.

4 ROBERT HAAS: Bertucci's?

5 GIOVANNI CEFALO: Yes, sir, all
6 Bertucci.

7 MICHAEL GARDNER: And approximately
8 how many years service as a manager?

9 GIOVANNI CEFALO: Eight years, sir.

10 MICHAEL GARDNER: Okay, thank you.

11 And we have our own Cambridge education
12 program. Would you just describe what that
13 is?

14 ELIZABETH LINT: Yes. It's 21-Proof
15 training. It's specific to Cambridge. It is
16 required under our rules and regulations. It
17 is similar to ServSafe, but it's geared
18 towards all of our establishments.

19 GIOVANNI CEFALO: Okay.

20 MICHAEL GARDNER: And are you
21 presently on location in Cambridge?

1 GIOVANNI CEFALO: Yes, sir.

2 MICHAEL GARDNER: How long have you
3 been there?

4 GIOVANNI CEFALO: About eight weeks
5 now, sir.

6 GERALD MAHONEY: I have nothing.

7 ROBERT HAAS: Have you ever held a
8 liquor license in your name before, sir?

9 GIOVANNI CEFALO: No, sir.

10 ROBERT HAAS: So, when you were
11 manager in these establishments, who was
12 holding the liquor license?

13 GIOVANNI CEFALO: The general
14 manager.

15 ATTORNEY JOSEPH DEVLIN:
16 Commissioner, I was going to qualify that.
17 The distinction between manager of record and
18 manager, Bertucci's has six or seven
19 qualified managers so that someone can always
20 be there.

21 ROBERT HAAS: Sure.

1 ATTORNEY JOSEPH DEVLIN: But manager
2 of record he has not been one in
3 Massachusetts yet.

4 MICHAEL GARDNER: Is there anything
5 about being the manager of record that you
6 think is different than the experience you've
7 had so far?

8 GIOVANNI CEFALO: Well, I would be
9 more responsible. Obviously I'm 100 percent
10 responsible for the location.

11 ELIZABETH LINT: Background check is
12 fine.

13 MICHAEL GARDNER: Pleasure of the
14 Commissioners?

15 GERALD MAHONEY: Motion to approve.

16 ROBERT HAAS: Second.

17 MICHAEL GARDNER: There's been a
18 motion to approve and a second, I'm sorry,
19 I'm a temporary in this job and reasonably
20 new. Before I call the question, I just ask
21 if there are any members of the public here

1 who would like to speak on this matter?

2 (No Response.)

3 MICHAEL GARDNER: Seeing none, and
4 there having been a motion and a second, all
5 those in favor please signify by saying
6 "Aye."

7 (Aye: Gardner, Haas, Mahoney.)

8 MICHAEL GARDNER: None opposed.
9 Wish you luck. Good luck.

10 * * * * *

11 ELIZABETH LINT: Application
12 Starbucks Corporation doing business as
13 Starbucks, Christopher Sykes, manager, has
14 applied for a common victualer license to be
15 exercised at 1380 Mass. Ave. Said license if
16 granted would allow food and non-alcoholic
17 beverages to be sold, served, and consumed on
18 said premises with a seating capacity of 130.
19 The hours of operation will be five a.m. to
20 eleven p.m. seven days a week.

21 MICHAEL GARDNER: Good evening. It

1 would be helpful if you could state your
2 names sort of slowly for the record.

3 LUCYNA SOJA: I'm Lucyna Soja
4 district manager for Starbucks Coffee.
5 S-o-j-a that's my last name. And L-u-c-y-n-a
6 first name.

7 SHANE SYKES: And Shane Sykes
8 general manager. S-h-a-n-e S-y-k-e-s.

9 MICHAEL GARDNER: Would you tell us
10 about your plans, please?

11 LUCYNA SOJA: So, we're planning to
12 open a location at 1380 Massachusetts Avenue.
13 So it's a just regular Starbucks, two-floor
14 operation, serving coffee and some pastries
15 and some packaged foods. And nothing made
16 on-site. And planning to be part of the
17 community.

18 MICHAEL GARDNER: And could you tell
19 us about your experience in operations like
20 this previously?

21 LUCYNA SOJA: Absolutely. So, for

1 me I was a store manager, and currently for
2 the last six, seven years I've been a
3 district manager both in Boston and Cambridge
4 area.

5 MICHAEL GARDNER: And Mr. Sykes?

6 SHANE SYKES: I've been with
7 Starbucks for three years in the general
8 manager capacity. I've been in food service
9 for over ten.

10 MICHAEL GARDNER: And I'm not sure
11 I've got your respective roles here with
12 respect to this store.

13 SHANE SYKES: District manager.
14 General manager.

15 MICHAEL GARDNER: Okay. So who's
16 likely to be on-site the most?

17 SHANE SYKES: Myself.

18 MICHAEL GARDNER: And will you have
19 responsibilities besides this store?

20 SHANE SYKES: No.

21 MICHAEL GARDNER: So this is your

1 store?

2 SHANE SYKES: My store.

3 MICHAEL GARDNER: You'll be at this
4 store. And how much time do you expect to be
5 at this store?

6 SHANE SYKES: Let's see.

7 MICHAEL GARDNER: I actually meant
8 during a day.

9 SHANE SYKES: Conservative, 50 hours
10 a week.

11 MICHAEL GARDNER: Okay. And what
12 was in this location previously?

13 SHANE SYKES: Alpha Omega.

14 ELIZABETH LINT: The only issue is
15 they had a hearing before the BZA so we need
16 the time period is fine.

17 MICHAEL GARDNER: The appeal period
18 is after the BZA's --

19 ELIZABETH LINT: Decision's
20 recorded.

21 MICHAEL GARDNER: -- had a

1 consideration of it. Okay. We understand
2 when that is?

3 ELIZABETH LINT: I believe it's 30
4 days. So we're not -- we might be there, but
5 it depends on when they recorded it. And I
6 wouldn't have that.

7 MICHAEL GARDNER: Okay.

8 ELIZABETH LINT: But we'll check
9 that.

10 MICHAEL GARDNER: Questions?

11 ROBERT HAAS: No questions.

12 GERALD MAHONEY: What is the
13 timeline of construction renovations,
14 etcetera, to the space?

15 LUCYNA SOJA: We're looking at May
16 6th to the beginning of May to be our
17 projected opening date. So might start or
18 might have started this week.

19 GERALD MAHONEY: So your plan is to
20 open for business sometime around the 1st of
21 May?

1 LUCYNA SOJA: Exactly, yes.

2 GERALD MAHONEY: Okay.

3 MICHAEL GARDNER: And before they
4 open, there are inspections by Inspectional
5 Services, fire department?

6 GERALD MAHONEY: Inspectional
7 Services, fire department.

8 ELIZABETH LINT: Yes.

9 MICHAEL GARDNER: Before we decide
10 on this matter, are there any members of the
11 audience who would like to be heard?

12 (No Response.)

13 MICHAEL GARDNER: Seeing none,
14 Commissioners?

15 ROBERT HAAS: I make a motion to
16 approve.

17 GERALD MAHONEY: Second.

18 MICHAEL GARDNER: There's been a
19 motion to approve the application and which
20 has been seconded.

21 All those in favor signify by saying

1 "Aye. "

2 (Aye: Gardner, Haas, Mahoney.)

3 MI CHAEL GARDNER: None opposed.

4 Congratul ati ons. Wi sh you l uck.

5 * * * * *

6 ELI ZABETH LI NT: Appl i cati on

7 Vi ctory Programs, I ncorporated has appl i ed

8 for a l odgi ng house l i cense at 10 Russel l

9 Street for 10 rooms and seven occupants.

10 Appl i cant i s al so appl yi ng for exempti on of

11 the resi denti al manager requi rement.

12 MI CHAEL GARDNER: Good eveni ng. I t

13 woul d be good i f you coul d state your names

14 sl owl y for the record.

15 JONATHAN SHERWOOD: Jonathan

16 Sherwood, l i ke the forest.

17 JIM PETTINELLI : Jim Pettinel l i ,

18 P-e-t-t-i -n-e-l -l -i .

19 MI CHAEL GARDNER: Coul d you descri be

20 your rol e wi th respect to the operati on and

21 al so your pl ans and what thi s i s about?

1 JONATHAN SHERWOOD: Sure. My role
2 at Victory Programs is director of housing.
3 And the lodging house that we're applying for
4 this evening has, you know, as stated in the
5 cover letter for our application it's
6 previously been managed by Cambridge Cares
7 about AIDS, another non-profit in --
8 operating in Cambridge that merged with
9 another organization last year. They
10 transferred ownership of the property at 10
11 Russell Street to us last year, and we also
12 assumed the associated service contracts, one
13 from the Department of Public Health and one
14 from actually the -- out of the City of
15 Lowell of all places by covering all of
16 Middlesex County, some funding that
17 conversation the county. So the services are
18 transferred. The property was sold and
19 transferred to us, and so this is a renewal.
20 We house seven formerly homeless women living
21 with HIV and AIDS at 10 Russell Street. The

1 program itself has been operating on that
2 site for 15 years. Cambridge Cares had been
3 managing it I believe for about eight. We
4 took over management last February and so
5 we're looking to continue the same services,
6 same level of services. We have 24-hour
7 staffing on-site, and that is the also the --
8 related to the exemption for the resident
9 manager. We're applying for the exemption
10 because we do keep staff through the night,
11 just not on a resident -- they don't, they
12 don't live there. So we're -- we don't have
13 staff there in a residence basis. That's it
14 in a nutshell.

15 MICHAEL GARDNER: Okay.

16 So, I'm not sure I understand exactly
17 what happened with the sale last year and
18 what brings you here tonight?

19 JIM PETTINELLI: So I'm the Vice
20 President for Victory Programs and we have
21 operated in Greater Boston for 35 years now.

1 We operate supportive housing, transitional
2 housing, shelter services, recovery homes.
3 We've got 18 programs, 20 different sites.
4 Cambridge Cares about AIDS is a longstanding
5 non-profit organization in Cambridge that
6 over the last year and a half has gone
7 through a transition process where they
8 decided they were going to merge with AIDS
9 Action of Massachusetts. A larger
10 organization. As part of that process, they
11 looked at potentially divesting some of their
12 programs and properties. So they had Ruah
13 House which was a residential supportive
14 housing program, and they decided that they
15 wanted to hand that off to another non-profit
16 with experience in managing residential
17 properties in that way. So, they selected
18 Victory Programs and we went through a due
19 diligence process which took a little bit of
20 a while. And then prior to Cambridge Cares
21 about AIDS merging with AIDS Action, they

1 transferred the property over to Victory
2 Programs with really no cash exchange. It
3 really was as their good stewardship, they
4 handed off this non-profit property to
5 another non-profit. We took on the existing
6 debt. There's a loan actually with North
7 Cambridge Cooperative Bank, and also some
8 funds from Cambridge Affordable Housing
9 Trust. So, we transferred all of that --
10 those loans, those grants on to our books and
11 took on the responsibility for the property.
12 So now we're going through and transferring
13 all of the paperwork, the lodging house
14 license being one, being a critical piece.
15 So we're going through the application
16 process to actually change ownership, the
17 identity on the license from Cambridge Cares
18 about AIDS to Victory Programs, but literally
19 nothing will change. The tenants remain the
20 same, the services will remain the same.

21 MICHAEL GARDNER: And how long has

1 Victory House in fact been managing?

2 JIM PETTINELLI: We've been managing
3 the site for well over a year. So actually,
4 as part of the due diligence process,
5 Cambridge Cares asked us to come in and
6 really start working with them on evaluating
7 the property's needs, looking at the
8 services, looking at the staff and how
9 they've been providing services. So we've
10 been there probably a year.

11 GERALD MAHONEY: Is this the first
12 property in Cambridge Victory Programs has
13 managed at the time?

14 JIM PETTINELLI: It is. It actually
15 is.

16 GERALD MAHONEY: Where is Victory
17 Programs based?

18 JIM PETTINELLI: Our main office is
19 Mass. Ave, in the Boston end, 965
20 Massachusetts Avenue. And all of our sites
21 are in Greater Boston, in the City of Boston

1 proper. And we do have another program with
2 DHCD where we work with 50 families. That's
3 a scattered site program where we're working
4 with families who are currently in the hotels
5 and motels, the overflow from the family
6 shelter program. So we're working with those
7 50 families, helping them find rapid housing
8 with support services. So those folks are
9 all around greater Boston.

10 MICHAEL GARDNER: And I'm still not
11 sure I've got why this comes up now. I mean,
12 you've actually been doing it for a year, and
13 now you're coming to us to change the
14 license.

15 JIM PETTINELLI: I think we were
16 honestly delayed in changing over the license
17 and we discovered that in order to change the
18 license, we have to go through the
19 application process.

20 MICHAEL GARDNER: I see.

21 ELIZABETH LINT: We don't transfer

1 when there's new ownership.

2 MICHAEL GARDNER: Okay.

3 ROBERT HAAS: So I take it the staff
4 has been the existing staff with Cambridge
5 Cares?

6 JIM PETTINELLI: Yeah, we assumed
7 the staff as part of the transfer.

8 ROBERT HAAS: And when you talk
9 staff, what's the number of employees you
10 usually have on staff?

11 JONATHAN SHERWOOD: Well, on-site
12 there's typically there's one FT on-site,
13 although at some points during the day there
14 are two.

15 ROBERT HAAS: So overnight there
16 would be one person?

17 JONATHAN SHERWOOD: Yes.

18 JIM PETTINELLI: Yes. An awake
19 person. Are --

20 JONATHAN SHERWOOD: And the staff in
21 this particular program is supported and

1 operates as part of a larger supportive
2 housing team. So we have clinical staff on
3 staff at Victory Programs, licensed mental
4 health and mental health and substance use
5 clinicians and social -- license social
6 workers that directly support and work with
7 the residents and the staff at this site. So
8 it's part of a much larger team. So there's
9 the staff on-site there, but there's a whole
10 team that regularly works in and out of there
11 to support the residents.

12 MICHAEL GARDNER: Any other
13 questions?

14 ROBERT HAAS: No other questions.

15 GERALD MAHONEY: No.

16 MICHAEL GARDNER: Are there any
17 members of the audience who would like to be
18 heard on this matter?

19 (No Response.)

20 MICHAEL GARDNER: Seeing none,
21 pleasure of the Commissioners?

1 ROBERT HAAS: I make a motion to
2 approve.

3 GERALD MAHONEY: Second.

4 MICHAEL GARDNER: There's been a
5 motion to approve which has been seconded for
6 the approval of this license. All those in
7 favor, signify by saying "Aye."

8 (Aye: Gardner, Haas, Mahoney.)

9 MICHAEL GARDNER: None opposed.
10 Thank you very much for your important work
11 and wish you well with it.

12 JIM PETTINELLI: Thank you. I'm
13 just going to leave some annual reports and
14 newsletters in case folks want to take and
15 learn a little bit more about us.

16 Thank you.

17 MICHAEL GARDNER: Thanks very much.

18 * * * * *

19 ELIZABETH LINT: Application Fuji
20 Group, Incorporated doing business as Fuji
21 Restaurant, Matthew Smith, manager, has

1 applied for an all alcoholic beverages as a
2 restaurant license at 300 Third Street.
3 Hours of operation will be eleven a.m. to one
4 a.m. seven days per week with a seating
5 capacity of 50 inside and 40 seasonal patio
6 seats on private property. Applicant is also
7 applying for an entertainment license to
8 include background music below conversation
9 level, radio and a TV.

10 JIMMY LIANG: Good evening.

11 MICHAEL GARDNER: Good evening. If
12 you could state your names and your roles for
13 the record, please, and I think the
14 microphone's reasonably sensitive enough so
15 people don't have to lean over to speak into it.

16 JIMMY LIANG: My name is Jimmy
17 Liang, and I will be one of the
18 owners/operators of this restaurant. I will
19 also be the head sushi chef there.

20 TONY LIANG: My name is Tony Liang.
21 I am also one of the owners and operators. I

1 will also be a manager there as well.

2 MATTHEW SMITH: My name is Matthew
3 Smith. I'm also one of the owners and will
4 be the operating manager there.

5 MICHAEL GARDNER: So could you
6 describe a little bit more about your plans
7 and what you envision?

8 JIMMY LIANG: What we envision for
9 this spot is that it's going to be a 50 to 55
10 seater sushi restaurant, and our hours of
11 operation will be from eleven until one
12 o'clock? Will be until one o'clock. And we
13 hope that it should be a full service
14 restaurant. And that, yeah, that's --

15 TONY LIANG: So, it's going to be --
16 we propose 50 seats on the inside, with
17 approximately anywhere between 30 to 40 seats
18 on the outdoor patio. That's going to be for
19 seasonal use. It's -- yeah, so, it's going
20 to be -- we're hoping to do a full liquor
21 license with a minor entertainment.

1 And a little bit of background about us
2 is we actually have four other restaurants in
3 the city of Quincy as of right now. And
4 three of them has liquor licenses. Two of
5 them in which are full liquor licenses and
6 one is a beer and wine license.

7 JIMMY LIANG: Just a brief
8 background about what we do. I actually
9 started cheffing when I was about 14 in
10 Cambridge. I worked at the Tokyo Restaurant,
11 and from thereon I worked at the Yoshi
12 Restaurant which is now Typhoon on Boylston
13 Street. When I was 19-years-old, my best
14 friend and I who was one of my business
15 partners, who is not present tonight, the two
16 of us, we started a 19-seater restaurant. No
17 liquor. We weren't of age. We waited until
18 we were both 21. We applied for beer and
19 wine. We got approved, and we were at that
20 single location for six years. And then we
21 moved into Quincy Center where we took on a

1 100-seater restaurant with a full bar. And
2 from thereon we expanded into another
3 location to North Quincy, which is a quick
4 and casual sushi restaurant.

5 After that we opened a Shabu Restaurant
6 which is a Japanese concept, hot pie. And
7 from thereon we went full circle back into
8 the Quincy Center and we opened a tapas
9 lounge and a Chinese bistro.

10 So -- I'm 32 right now, so it's been
11 about 13 years since my best friend and I
12 started on this long journey into our
13 careers. And my business partner Tony, he
14 came aboard when -- probably about three or
15 four years into me starting my first
16 restaurant. And Matt Smith here, he had
17 actually helped us set-up the bar for the
18 restaurant in Quincy Center and we've been
19 friends ever since. And we thought that by
20 doing this restaurant in Cambridge -- this is
21 the first project that we're doing outside of

1 Quincy. We've looked before but nothing has
2 ever seemed a good fit. And months ago I met
3 with people from City Realty and they spoken
4 to us about this and we thought that this
5 would be a good fit for us. It's not a big
6 restaurant, it's actually half the size of
7 our biggest restaurant right now, so we
8 thought that this would be a good fit. It
9 would be a good start for us outside of the
10 city. And helping us to manage the full bar
11 we've enlisted Matt because that's what he
12 helped us do. He's an expert in his field.
13 So, we thought that this would be a good fit
14 for us, and this is our first move outside of
15 Quincy.

16 MICHAEL GARDNER: So, who would be
17 the principal person on-site most of the
18 time?

19 JIMMY LIANG: I see that I will be
20 the sushi bar head chef. I probably will be
21 there eight days a week at first. But after

1 that probably, hopefully cutting down my
2 hours down to six days a week. And Matt will
3 probably be there most of the time.

4 MATTHEW SMITH: I'll be running
5 daily operations.

6 MICHAEL GARDNER: And could you
7 describe your experience, sir?

8 MATTHEW SMITH: Yes. I've been
9 managing bars in the city over the last two
10 and a half years. I run the Playwright in
11 South Boston. And then I also help manage
12 and bartend at Ned Devine's in Faneuil Hall.
13 I've been at Ned Devine's for ten years.
14 I've been working the other side, City Side,
15 I helped them work another one in Cleveland
16 Circle. And I've been employed with that
17 company for the last three years.

18 MICHAEL GARDNER: And tell us about
19 the property that you're taking over, what
20 was there before if you know?

21 JIMMY LIANG: From what I can

1 understand the property before was an office,
2 a leasing office for apartments, more or less
3 a showroom. And for us to go in there, we'll
4 -- I mean, we'll outfit everything. Of
5 course build to code as far as what a
6 restaurant is required as far as handicap
7 accessibility and so on and so forth.
8 There's four means of egress, and we're just
9 -- yeah, we're just looking to just turn that
10 into a nice upscale sushi restaurant.

11 GERALD MAHONEY: Is this the
12 building that's the -- there are apartments
13 up above?

14 JIMMY LIANG: Office buildings.
15 Yeah, offices.

16 MIKE CARLEO: Office and lab space.
17 My name is Mike Carleo (phonetic). I'm a
18 representative from Alexandria Real Estate.
19 It's never been occupied before. It's a
20 vacant retail spot.

21 GERALD MAHONEY: This is on the

1 corner of Third and Binney?

2 MIKE CARLEO: Yes.

3 GERALD MAHONEY: With Allyn
4 Laboratories upstairs?

5 MIKE CARLEO: Exactly.

6 MICHAEL GARDNER: And what's the
7 status of this area and Caps and their
8 license --

9 ELIZABETH LINT: Non.

10 MICHAEL GARDNER: This is a
11 non-capped area?

12 ELIZABETH LINT: Non-capped area. I
13 do have a letter from Joseph Shea who's the
14 Chairman of the Board of License
15 Commissioners in Quincy just speaking on the
16 establishments that they have there, and he
17 gives them his full recommendation.

18 And I also have a letter from the East
19 Cambridge Planning Team also in support of
20 the application. They feel that this will
21 add greatly to the appeal of the area. The

1 destination for dining. The members of the
2 East Cambridge Planning Team unanimously
3 approved their approval and they urge the
4 License Commission to approve their request.

5 MICHAEL GARDNER: So is this a no --
6 are they applying for a no value license
7 essentially?

8 ELIZABETH LINT: Yes.

9 MICHAEL GARDNER: Do you know the
10 last restaurant full service bar that we
11 approved in that area?

12 ELIZABETH LINT: Not off the top of
13 my head. There's not a lot down there.

14 GERALD MAHONEY: Not in that area.

15 MICHAEL GARDNER: And --

16 ELIZABETH LINT: And they've been
17 trying to get --

18 GERALD MAHONEY: That's subject to
19 reinvest that area, Rogers, Binney with
20 there's a lot potential for development.

21 MICHAEL GARDNER: And either

1 Ms. Lint or either of the other
2 Commi ssi oners, any background on the reasons
3 why we've -- we have not had a Cap there or I
4 don't know if we've considered a Cap in that
5 area before?

6 ELIZABETH LINT: At the time, as far
7 as I understand it, at the time the caps were
8 put in place, there really was very little
9 development down there. There was very
10 little residences down there, and not really
11 a need. And there were no licenses. So
12 there was no need to cap it because there
13 just wasn't anything there. And at this
14 point, they're telling us they want more and
15 more. So I don't see that there's a problem
16 with that.

17 MICHAEL GARDNER: Question?

18 ROBERT HAAS: So the liquor license
19 you have in Quincy did you pay for any of
20 those or were they all non-value,
21 non-transferable licenses?

1 JIMMY LIANG: No, we actually
2 applied for those and we -- Luckily they
3 approved it. Because there were availability
4 in Quincy at the time.

5 ROBERT HAAS: If there are no value
6 licenses you applied for in Quincy?

7 JIMMY LIANG: I don't believe so,
8 sir.

9 ROBERT HAAS: So, have you tried to
10 find if there are liquor licenses available
11 for purchase?

12 JIMMY LIANG: We have looked. We
13 have talked to several people that I knew of
14 outside of Quincy. Obviously our lives are
15 pretty much in Quincy, and that's where we've
16 done business. And I've reached out to
17 certain people that's been in the industry,
18 and everybody's quoting prices of anywhere
19 between 150,000 to 300,000 dollars per
20 license out there. But taking that price
21 into consideration and in addition to the

1 build out, it's very cost prohibitive for us
2 to do so. And we heard of the no value
3 transfer license and so we thought that we --
4 that's something that we should do in order
5 for this project to happen. And every time
6 we do business, we're very much in the long
7 haul as far as in transferring, selling
8 something. It's not something that we --
9 we've never done it in the past, and I don't
10 foresee us doing it in the future.

11 GERALD MAHONEY: Are you going to
12 maintain your places in Quincy as well or are
13 you closing one of them?

14 JIMMY LIANG: No, we're maintaining
15 all of them, sir.

16 MICHAEL GARDNER: I guess I'm a
17 little concerned about your spreading
18 yourself too thin and whether you would be
19 able to apply your attention to this
20 location.

21 JIMMY LIANG: Yes, sir. Well,

1 currently we -- I have general store managers
2 for each store. And beyond that, I have two
3 general managers that oversees the whole
4 entire operation. That frees me time to
5 still chef in the kitchen. And with this new
6 project in Cambridge, I keep saying this, but
7 I -- we're very excited about this and we'll
8 be bringing the A-team per se into Cambridge
9 such as myself, my cousin Tony, Matt, and one
10 of my other head chefs from one of my other
11 stores. And I've already started looking for
12 new people to come in and start training and
13 helping us. I've already hired two chefs
14 that I've started training already.

15 MICHAEL GARDNER: So would this be
16 an application for 90 seats, is that how it
17 would work?

18 ELIZABETH LINT: No. So, it would
19 be just specifically 50 inside and 40 outside
20 seasonal seats on private patio. So that
21 they could never have 90 seats inside. It

1 could only be 50.

2 MICHAEL GARDNER: And what's your
3 expectation with regard to seasonal
4 operations?

5 JIMMY LIANG: To be honest with you,
6 we thought about the patio, we thought that
7 it would be good space for us to use, but
8 again, in order for us to make that space
9 usable -- I mean, we can use it now, just put
10 chairs and tables out there. But every time
11 we do something, we like to cross all our T's
12 and dot all our I's. Meaning that, you know,
13 if we are going to be utilizing the patio, we
14 want to beautify the outside. But because of
15 the cost of this project, we may not be doing
16 so in the beginning. So as far as for the
17 patio is concerned, we may or may not be
18 using it right away. We want to focus on the
19 inside, get the inside done and be open for
20 business. And if during summertime, you
21 know, if the opportunity presents itself, we

1 may put a couple of tables out there or maybe
2 a couple benches out there for people to sit
3 while they wait for tables inside. I mean,
4 we're -- it's -- this is a learning process
5 for us and, you know, we're going to have to
6 make decisions as we go along in regards to
7 the outside. But anything that we may or may
8 not do, we will have to -- we will consult
9 the people in the City of Cambridge that
10 ultimately makes the decisions and that's
11 where we're at at this point.

12 ROBERT HAAS: Ms. Lint, does bar
13 seats count towards the seating count?

14 ELIZABETH LINT: Yes.

15 ROBERT HAAS: Your numbers don't add
16 up. You have access to 50 inside and you're
17 saying you've got 44 seats outside according
18 to your plans. So I'm just trying to
19 reconcile your numbers here. You're
20 indicating 24 restaurants for the restaurant,
21 13 seats in the bar and 18 seats along the

1 wall there. And you're indicating 44 seats
2 outside.

3 JIMMY LIANG: Those things we -- I'm
4 sure we're going to have amend. According to
5 the layout that's been done by Elkus Manfredi
6 we have 55 seats. But even in the -- because
7 we -- we're actually using Elkus Manfredi to
8 do the layout, but we're using CBT in Boston
9 to do interior. And I believe that there
10 might have been a miscommunication, because
11 even in the rendering right there, that
12 should be the sushi bar. And the sushi bar
13 has seats in front of them. And the designer
14 had failed to put it in.

15 ROBERT HAAS: You're saying there's
16 more seats than are indicated on the diagram?

17 JIMMY LIANG: I'm sorry.

18 ROBERT HAAS: You're saying there's
19 more seats than are indicated on the diagram,
20 right?

21 TONY LIANG: No, the seats should be

1 the same. Let me just check.

2 GERALD MAHONEY: The diagram seats
3 add up to 55 inside.

4 JIMMY LIANG: Yes, sir.

5 GERALD MAHONEY: And 44 outside.
6 And your application is 50 and 40.

7 TONY LIANG: Is it possible to
8 change the application to 55?

9 ELIZABETH LINT: I'm trying to find
10 your zoning signoff. It would depend on what
11 zoning said was --

12 TONY LIANG: The zoning wrote down
13 90. They didn't differentiate the outside or
14 the inside. They gave us a total of 90.

15 ELIZABETH LINT: Yes, that doesn't
16 work.

17 MICHAEL GARDNER: Your seats add up
18 to 99 I think. So 55 and 44.

19 TONY LIANG: So if the zoning only
20 approved it for 90, is it possible for us to
21 amend our layout as far as the outdoor

1 seating goes and take some of the seating out
2 from the outdoor seating?

3 ROBERT HAAS: So you want to
4 maintain 55 inside, is that what you're
5 saying?

6 JIMMY LIANG: Yes, sir.

7 TONY LIANG: Correct.

8 MICHAEL GARDNER: Do we have any
9 notice issues about that?

10 ELIZABETH LINT: No, because it's
11 within the same number of seats. But I would
12 need an amended floor plan.

13 GERALD MAHONEY: May I ask you a
14 question about the -- I'm trying to visualize
15 the orientation of the diagram to the street
16 where you indicate the trees here. Is that
17 Third Street?

18 JIMMY LIANG: Yes.

19 GERALD MAHONEY: Or is that Binney?

20 JIMMY LIANG: That would be Third.
21 Third Street, sir.

1 MICHAEL GARDNER: So, can you
2 describe both how you'll get your supplies in
3 and out and also your trash arrangements?

4 JIMMY LIANG: Excuse me, if I may.
5 Right here that would be Binney. That would
6 be Third. And back here, that side street,
7 we'll be getting everything delivered inside
8 because there's a garage. So we'll be
9 receiving everything from in here, from back
10 here.

11 GERALD MAHONEY: You're saying
12 that -- you're saying that's Binney Street?

13 JIMMY LIANG: Running this way. So
14 it's not even on the diagram, but it's right
15 on the corner. So this would be Binney, that
16 would be Third.

17 GERALD MAHONEY: I'm trying to
18 visualize the lobby entrance to that building
19 is on the corner, is it not, the first floor?

20 JIMMY LIANG: Yes, sir.

21 GERALD MAHONEY: So where is the

1 restaurant going to be in regards to the
2 lobby entrance of the building?

3 TONY LIANG: It's on the opposite
4 side of the entrance.

5 JIMMY LIANG: To the left of it.

6 GERALD MAHONEY: Okay. Towards the
7 loading dock? Is that --

8 JIMMY LIANG: Yes.

9 GERALD MAHONEY: You're saying yes,
10 he's saying no.

11 MIKE CARLEO: I'm sorry, on the
12 opposite side.

13 DAVID DOWNING: The main entrance of
14 the building is directly on the corner.

15 GERALD MAHONEY: Third and Binney.

16 DAVID DOWNING: Third and Binney.
17 As you come down Third Street towards, you
18 know, One Broadway.

19 GERALD MAHONEY: Heading towards One
20 Broadway.

21 DAVID DOWNING: That's where that

1 space is.

2 ELIZABETH LINT: And could you give
3 the stenographer your name for the record,
4 please.

5 DAVID DOWNING: Sure. David Downing
6 with City Retail.

7 GERALD MAHONEY: Thank you.

8 MICHAEL GARDNER: And what trash
9 arrangements have you made?

10 JIMMY LIANG: We'll be utilizing the
11 same facilities as what's -- as the rest of
12 the building is at this point.

13 MICHAEL GARDNER: Do you have any
14 idea how frequently you'll need pick up?

15 JIMMY LIANG: At least twice a week.
16 We'll arrange for more if needed.

17 ROBERT HAAS: So you're going to
18 amend your plan to 55 seats inside and then
19 reduce your 40 down to 35, is that what
20 you're saying?

21 TONY LIANG: Correct.

1 ELIZABETH LING: Mr. Chair, I think
2 the only problem with that is they're saying
3 they're not sure they're going to do the
4 outside. If we grant a license, if you grant
5 a license with the outdoor seating, then it's
6 expected that that will be used. So if
7 they're not planning on doing that, then they
8 should come back and reapply for that.

9 MICHAEL GARDNER: You understand the
10 issue that Ms. Lint had pointed out? We're
11 -- understand that there are no value
12 non-transferable but --

13 JIMMY LIANG: Yes, sir.

14 MICHAEL GARDNER: -- but they in
15 fact have a value to us --

16 JIMMY LIANG: Yes, sir.

17 MICHAEL GARDNER: -- in terms of not
18 -- our just not granting more seats than you
19 plan to use.

20 JIMMY LIANG: Absolutely.

21 MICHAEL GARDNER: So, when do you

1 expect to open?

2 JIMMY LIANG: Hopefully as soon as
3 -- if we get approved, hopefully we can start
4 the demolition within a month or so. And we
5 want to open by June, July.

6 MICHAEL GARDNER: What kind of
7 difficulty would it present you if we
8 approved 55 seats inside and held the patio
9 seating for your reapplication at some point
10 in the future when you decide that you were
11 in fact ready to use it?

12 JIMMY LIANG: I'm sure, I mean, I'm
13 sure it shouldn't be too difficult because if
14 we're already up and running and in
15 operation, and if we do feel the need for the
16 outdoor patio, and if we were to move forward
17 with it, I'm sure it's an application
18 process.

19 TONY LIANG: I think -- I mean, we
20 do intend on using it. It's just that I
21 think what Jimmy's trying to say is we're

1 going to try to test it out. I mean, we
2 would still like to, when we open, have the
3 tables and chairs set up so that people do
4 know that it's available. As far as the
5 usage goes, we're going to play it by ear to
6 see whether or not people actually want to
7 sit outside as of right now. So I think like
8 ideally we'd like to be granted, the indoor
9 and the outdoor, just so that we can actually
10 let people know right off the bat that we
11 actually have the outdoor patio and don't
12 have to actually promote it again.

13 ROBERT HAAS: I don't think you can
14 engage in experiment at this point. I think
15 you have to decide whether or not you're
16 going to operate an outdoor patio seating or
17 not.

18 TONY LIANG: We would like to
19 operate an outdoor patio.

20 ROBERT HAAS: So that means you will
21 establish those seats outside?

1 TONY LIANG: Correct.

2 MICHAEL GARDNER: Who's the general
3 manager or who is the holder of license of
4 record?

5 TONY LIANG: That would be Matt.

6 MATTHEW SMITH: I am.

7 MICHAEL GARDNER: So are you ready
8 to go with outdoor seating?

9 MATTHEW SMITH: Yes, sir.

10 MICHAEL GARDNER: Any zoning issues
11 with that?

12 ELIZABETH LINT: No. It's just that
13 if -- it has to be clearly delineated and
14 that -- so that people just can't be walking
15 in and out because of alcohol service.

16 MICHAEL GARDNER: So you need fixed
17 seats, is that basically what you're saying?

18 ELIZABETH LINT: Well, it has to be
19 the fixed number of seats, but it also has to
20 be that it's an --

21 ROBERT HAAS: Enclosed area.

1 ELIZABETH LINT: -- an enclosed --
2 that's the word I was looking for --
3 enclosure so that, you know, by planters or
4 whatever or chains or whatever it is so that
5 people can't be just strolling in and out.

6 ROBERT HAAS: So people have to come
7 into the restaurant to go out to the outdoor
8 seating. They can't go from the street to
9 the outdoor seating. Do you understand?

10 JIMMY LIANG: Yes, sir.

11 MICHAEL GARDNER: Do these plans
12 incorporate that idea of an enclosed area?

13 TONY LIANG: As of right now, it
14 does because it's going to be separated by
15 planters. Again, we will clarify that more
16 when we amend the plans with the new -- the
17 changes with the seating.

18 MICHAEL GARDNER: Any other
19 questions?

20 ROBERT HAAS: No questions.

21 MICHAEL GARDNER: Are there any

1 members of the audience who would like to be
2 heard on this matter?

3 BARBARA BROUSSARD: Barbara
4 Broussard. I'm President of the East
5 Cambridge Planning Team, and these gentlemen
6 came before us at our last meeting and I can
7 tell you we're just dying for the place to
8 open. We unanimously voted to approve their
9 application.

10 Thank you. And I believe I sent a
11 letter. I faxed it over.

12 ELIZABETH LINT: Yes.

13 MICHAEL GARDNER: I wondered, Ma'am,
14 if you could just spend a few minutes
15 describing the East Cambridge Planning Team
16 for the record?

17 BARBARA BROUSSARD: Oh, God.
18 Actually, it's been an organization that has
19 worked for the betterment of the community
20 for over 40 years. It was begun -- I believe
21 one of the founders was Joe Tulimieri who's

1 now head of Cambridge Redevelopment. And we
2 meet twice a month to discuss issues that are
3 pertinent to the East Cambridge neighborhood.
4 Whether it's zoning, whether it's something
5 new coming to town. Just any issues that are
6 relevant to what happens in our neighborhood.
7 We also do some sort of educational efforts,
8 speakers, etcetera. Commissioner Haas knows
9 us very well.

10 ROBERT HAAS: I do.

11 MICHAEL GARDNER: And could you
12 just, if you would, just briefly summarize
13 some of the reasons why your team is so
14 supportive of this.

15 BARBARA BROUSSARD: Well, most of
16 the people in the License Commission were not
17 always in favor of everything, but Kendall
18 Square is growing and this area personally
19 speaking is dead. I live on Third Street.
20 And I would love to have a sushi restaurant
21 because that's something I eat. But I want

1 something more lively on the streetscape. I
2 had -- when my daughters were younger and
3 they were coming up from school and getting
4 off at Kendall, I would have to walk down
5 there and meet them because literally I
6 didn't feel safe having them walk up to my
7 end of Third Street. So, I'm very happy that
8 we have more life on the street, and it's
9 making it a lot safer, even for myself, to
10 use the Red Line as opposed to the Green.
11 And restaurants bring people and they bring
12 life. And this is something that we need.

13 MICHAEL GARDNER: And the one
14 o'clock closing is fine?

15 BARBARA BROUSSARD: Well, I am up to
16 midnight so I really don't care. And I'm
17 old. I don't go to bed with the chickens. I
18 only get up with the hens. No, I think it's
19 reasonable. I mean, I have kids that are a
20 little older than they are, and they're out
21 having a glass of wine or whatever. And now

1 I can entice them to come to my neighborhood
2 and try something instead of my having to go
3 into Boston.

4 MICHAEL GARDNER: Thank you.

5 BARBARA BROUSSARD: Thank you.

6 MICHAEL GARDNER: Any other public
7 comment?

8 (No Response.)

9 MICHAEL GARDNER: Anything else the
10 applicants think it's important for us to
11 know?

12 JIMMY LIANG: No.

13 ROBERT HAAS: So, Mr. Chair, I make
14 a motion to make a conditional approval based
15 upon a couple conditions. One, we get a
16 modified plan. My understanding it's going
17 to be 35 seats outside, 55 seats inside.
18 Also, you're going to be required to go
19 through 21-Proof training, Matt.

20 MATTHEW SMITH: Yes, sir.

21 ROBERT HAAS: And we suggest anybody

1 that does serve alcohol go through that
2 training as well. They'll come out to
3 establishment.

4 MATTHEW SMITH: Okay.

5 GERALD MAHONEY: Second.

6 ELIZABETH LINT: The entertainment?

7 MICHAEL GARDNER: There's a request
8 for an entertainment license for background
9 music, radio and television.

10 ROBERT HAAS: For conversation, yes.
11 It's all -- you want to make one complete.

12 ELIZABETH LINT: Yes, it should be.

13 ROBERT HAAS: And I also approve the
14 application for the entertainment license as
15 well.

16 ELIZABETH LINT: No value,
17 non-transferable?

18 ROBERT HAAS: No value,
19 non-transferable license. So it means you
20 can't use it for any equity in your
21 establishment and you can't at the end of the

1 time if you do decide to close, you have turn
2 it back in to the License Commission.

3 JIMMY LIANG: Yes, sir.

4 GERALD MAHONEY: Second.

5 MICHAEL GARDNER: The amended motion
6 has been made and seconded.

7 All those in favor signify by saying
8 "Aye."

9 (Aye: Gardner, Haas, Mahoney.)

10 MICHAEL GARDNER: None opposed.

11 So, good luck. You understand it's
12 conditional, and you will need to use those
13 35 seats?

14 JIMMY LIANG: Yes, sir.

15 MICHAEL GARDNER: Good luck.

16 JIMMY LIANG: Thank you very much.

17 ELIZABETH LINT: Do you have your
18 abutter notifications?

19 TONY LIANG: Yes.

20 * * * * *

21 ELIZABETH LINT: GLGL, Incorporated

1 doi ng busi ness as Lamol e Restaurant, Gi l dazi o
2 Fari as, manager, has appl ied for a common
3 vi ctual er li cense to be exerci sed at 1105
4 Mass. Ave. Sai d li cense i f granted woul d
5 al low food and non-alcohol i c beverages to be
6 sol d, served and consumed on sai d premi ses
7 wi th seati ng capaci ty of 60. The hours of
8 operati on wi ll be el even a.m. to one a.m.
9 seven days per week.

10 MI CHAEL GARDNER: Good eveni ng. It
11 woul d be hel pful for us i f you woul d j ust
12 state your names sl owl y for the record and
13 then j ust descri be your rol es.

14 GI LDAZIO FARIAS: Hi. My name i s
15 Gi l dazi o Fari as.

16 SERGIO ORENG: My name i s Sergi o
17 Oreng, S-e-r-g-i -o O-r-e-n-g.

18 We have a pl an to open an Itali an
19 restaurant at 1105 Massachusetts Avenue.
20 Thi s former restaurant up there i s new Asi an
21 restaurant. They used to sel l Chi nese food,

1 but now we do some renovation to start to
2 sell pizzas, pastas, calzones, Italian, it's
3 going to be Italian kitchen. We have
4 experience in the restaurant. I used to work
5 for Cinderella's in Center Square, and he
6 used to work up there, too. I work over
7 there for more than 10 years. I'm ServSafe
8 certified. He's ServSafe certified as well.

9 MICHAEL GARDNER: And the experience
10 that you've had in actually managing an
11 operation?

12 SERGIO ORENG: Yes. Both of us used
13 to work as a manager for Cinderella's.

14 MICHAEL GARDNER: Will this be the
15 first license you will have held?

16 SERGIO ORENG: Yes, that's the first
17 license, uh-huh.

18 ROBERT HAAS: So, Ms. Lint, what
19 happened to the liquor license that was held
20 at this establishment before?

21 ELIZABETH LINT: That's pending.

1 ROBERT HAAS: Pendi ng? Pendi ng per
2 deci si on.

3 ELI ZABETH LINT: Because i t was
4 before you and they were given to a certai n
5 date to apply for i nacti ve status.

6 ROBERT HAAS: Ri ght.

7 ELI ZABETH LINT: That has not
8 happened as yet, but the time hasn' t run out
9 yet.

10 ROBERT HAAS: Okay.

11 My understandi ng i s the establ ishment
12 needed a lot of work.

13 SERGIO ORENG: Yes.

14 ROBERT HAAS: Can you j ust descri be
15 what you' re going to do wi th the
16 establ ishment?

17 SERGIO ORENG: Sure. Actual ly the
18 pl umbi ng i nspector asked us to change three
19 grease trap.

20 GI LDAZIO FARI AS: Two.

21 SERGIO ORENG: Two actual ly. And

1 change the seats. But we already start the
2 construction and they're just waiting for the
3 building inspection to go over there to check
4 it out if it can -- able to give a license
5 after that.

6 GERALD MAHONEY: Are you going to
7 have table service?

8 SERGIO ORENG: Yes. We're going to
9 have table service. We're going to keep 60
10 seats.

11 MICHAEL GARDNER: I'm not sure I
12 understand about the alcohol license. Is it
13 your intent to try to obtain that and change
14 this back to an all-alcohol establishment?

15 SERGIO ORENG: Yeah. We understand
16 it's very tough to get alcohol license right
17 now because I know they have a problem before
18 with the former owner. So, but we have a
19 plan to apply in the future. Not now. Now
20 we just want to open without alcohol.

21 MICHAEL GARDNER: Tell us about your

1 inflow of goods and supplies and your trash
2 and rubbish delivery.

3 SERGIO ORENG: Yeah. It's 1105
4 Mass. Avenue. It's like a -- it's like a
5 food court. I have a -- three --

6 GILDAZIO FARIAS: Six.

7 SERGIO ORENG: -- six restaurant
8 al together.

9 GILDAZIO FARIAS: Dumpster in the
10 back.

11 SERGIO ORENG: Yeah. And we have a
12 common area, and we have one dumpster and
13 it's for six restaurant. So we already have
14 a dumpster.

15 GILDAZIO FARIAS: And they pick up
16 the trash everyday.

17 SERGIO ORENG: Everyday. And we
18 have oil disposal that people going to pick
19 up everyday as well.

20 MICHAEL GARDNER: Have we had any
21 complaints in this area regarding trash?

1 ELIZABETH LINT: Not recently.

2 ROBERT HAAS: Is this on grade level
3 or below grade level?

4 GILDAZIO FARIAS: Below.

5 SERGIO ORENG: Below.

6 ELIZABETH LINT: Below.

7 SERGIO ORENG: It's Dolphin
8 Restaurant on the top.

9 ELIZABETH LINT: No, we haven't had
10 complaints.

11 MICHAEL GARDNER: Any members of the
12 public who would like to be heard on this
13 matter? Please come forward and identify
14 yourself.

15 DENISE JILLSON: Thank you. Good
16 evening. My name is Denise Jillson. I'm
17 with the Harvard Square Business Association,
18 and while these gentlemen are not yet part of
19 the association, we would certainly like to
20 speak on their behalf hoping that they will
21 join. But aside from that, they need all the

1 help they can get because 1105 is such a
2 difficult building, you know, and there's
3 been a lot of businesses in the lower part of
4 that building that just seem to come and go.
5 And, you know, then there are others like the
6 Dolphin that have been mentioned, and Zoe's
7 as well as Cafe Sushi that's also there that
8 seem to take hold. But anybody new coming in
9 really needs some help. So we'd like to
10 speak on their behalf, and also mention that
11 I'm a big fan of Cinderella's. Although we
12 don't call it Cinderella's. We call it the
13 house of garlic. But it's fabulous food and
14 I think they'll do quite well as long as they
15 have a good sort of -- a good plan and work
16 hard. And so we hope that you'll consider
17 their application.

18 Thank you very much.

19 SERGIO ORENG: Thank you.

20 MICHAEL GARDNER: Any other members
21 of the public who had's like to be heard?

1 (No Response.)

2 MICHAEL GARDNER: Pleasure of the
3 Commi ssi oners?

4 ELIZABETH LINT: If I may. I have
5 an outstanding matter. Mr. O'Neil tells me
6 that the \$175 hearing and advertising fee has
7 not been paid. When you applied, when you
8 filed your application?

9 GILDAZIO FARIAS: Yeah, we pay.

10 ELIZABETH LINT: You did?

11 GILDAZIO FARIAS: I don't know how
12 much -- I think we pay for the \$60 something
13 for the business license.

14 ELIZABETH LINT: That's not the same
15 thing.

16 SERGIO ORENG: Because everything
17 they ask to us.

18 ELIZABETH LINT: Okay, call
19 Mr. O'Neil tomorrow.

20 SERGIO ORENG: Okay.

21 MICHAEL GARDNER: Okay. So

1 entertain a motion conditional on the
2 applicants fulfilling all their obligations
3 with the License Commission.

4 GERALD MAHONEY: So moved.

5 ROBERT HAAS: Second.

6 MICHAEL GARDNER: So there's been a
7 motion to approve the application subject to
8 the applicants meeting all of their
9 obligations to the License Commission with
10 respect to the application. And it's been
11 seconded.

12 All those in favor signify by saying
13 "Aye."

14 (Aye: Gardner, Haas, Mahoney.)

15 MICHAEL GARDNER: None opposed.

16 Thank you very much. Good luck. Wish
17 you well with what I do understand has been a
18 challenging location.

19 SERGIO ORENG: Yes, thank you.

20 Appreciate it.

21

* * * * *

1 ELI ZABETH LINT: Appl i cati on Arauea,
2 I ncorporated doi ng busi ness as Ori noco: A
3 Lati n Ki tchen, Martha Garci a, manager, has
4 appl i ed for a wi ne and mal t beverages as a
5 restaurant l i cense at 56 JFK Street. Hours
6 of operati on woul d be twel ve p. m. to
7 two-thi rty p. m. Tuesday through Saturday, si x
8 p. m. to ten p. m. Tuesday and Wednesday, si x
9 p. m. to el even p. m. Thursday through
10 Saturday, and el even a. m. to three p. m. on
11 Sundays wi th a seati ng capaci ty of 49 i nsi de
12 and 12 seasonal pati o seats on pri vate
13 property. Appl i cant i s al so appl yi ng for an
14 entertai nment l i cense to i ncl ude background
15 musi c bel ow conversati on l evel . Thi s address
16 i s l ocated i n Cap #1.

17 MI CHAEL GARDNER: I f you coul d
18 pl ease j ust i ntroduce yourself for the
19 record, expl ai n your rol es.

20 ATTORNEY BILL FIORILLO: Sure. My
21 name i s Bi ll Fiorillo. I 'm attorney for the

1 appl i cants. I 'm wi th the l aw fi rm of
2 McDermott, Qui l ty and Mi l l er i n Boston. The
3 appl i cants are the sharehol ders of the
4 corporati on wi th Martha Garci a on the end who
5 is al so the appl i cant manager, and Andreas
6 Granger is next to me who 's the second
7 sharehol der. These are al so the owners of
8 two si mi l ar restaurants, one i n Boston and
9 one i n Brookl i ne. Before I start I 'd j ust
10 l i ke to -- the ad dropped one peri od of ti me
11 whi ch i s the Sunday hour from si x p.m. to
12 ni ne p.m. I don't believe that made i t on
13 the ad al though i t 's i n the descri pti on on
14 the l i cense.

15 ROBERT HAAS: Say the hours agai n.

16 ATTORNEY BILL FIORILLO: The
17 parti cul ar hours that --

18 ROBERT HAAS: The Sunday hours.

19 ATTORNEY BILL FIORILLO: -- were
20 read excl uded Sunday whi ch i s the eveni ng
21 servi ce from si x to ni ne p.m.

1 MICHAEL GARDNER: So that didn't
2 make our agenda notice either I don't think?

3 ROBERT HAAS: No.

4 MICHAEL GARDNER: Can you describe
5 your experience?

6 ATTORNEY BILL FIORILLO: If I can
7 give you an overview and then I'll turn it
8 over to the actual business operators who can
9 do it much better than I can. Let me give
10 you some background.

11 The property address at 56 JFK Street
12 has been a restaurant operation for
13 approximately 40 years. We are applying for
14 a new non-transferable wine and malt license.
15 The current operator which is Small Plates
16 has a non-transferable wine and malt license
17 which will be surrendered provided that this
18 Board were to approve our application and we
19 would complete our purchase and sale
20 agreement with those parties as part of our
21 application. The -- as mentioned --

1 ROBERT HAAS: Small Plates is
2 closing is that what you're saying?

3 ATTORNEY BILL FIORILLO: Yes,
4 correct.

5 We have prior to making this
6 application solicited for a wine and malt
7 license in the city. We thought at one point
8 in time with some help from actually the
9 Commission, that we had located the license
10 in the Central Square area that was a wine
11 and malt, but we were unable to put that
12 under agreement. It has not gone to sale,
13 and I would best describe it as premature.
14 The owner is thinking about a sale, he says,
15 but he hasn't really decided to sell. So, as
16 a result thereof of not being able to find
17 any available license for sale, we've made
18 the application for the new non-transferable.

19 The background information that I would
20 start with before I have the parties take
21 over is that for the past five years, they've

1 operated the two restaurants by the same
2 name, Ori noco. One in Boston South End and
3 the other in Brookline on Harvard Street near
4 Brookline Village. Both to why the claim
5 just printed out from the website, the many
6 various awards and write-ups that they
7 received from everything from Boston Globe
8 and Local Boston magazine and so on and so
9 forth. This is Venezuelan cuisine. They
10 describe it, would describe it as a casual
11 rustic family-friendly, family-run
12 restaurants similar to what you would find in
13 Venezuela. It's moderately priced. It
14 serves lunch and dinner six days a week.
15 They don't open any of their restaurants on
16 Mondays to allow staff for the day off. So
17 they operate a six-day a week operation. If
18 for some reason the Commission thought it was
19 necessary to operate seven days, we would be
20 glad to entertain that, but their normal
21 operation has proven to be very successful on

1 a six-day basis.

2 The type of service as mentioned is
3 table service, although casual, it's by wait
4 staff. They are requesting beer and wine
5 service. And as you will see from the
6 layout, although it has an area that's
7 indicated as a bar, it's not a bar per se.
8 There's no bar staff meaning the way they
9 operate in their beer and wine service, is
10 the wait staff will open the wine or the beer
11 or pour it for the tables. The few seats
12 that they have, four seats in this area are
13 for individual diners as opposed to sitting
14 in two. And it won't be set-up to look like
15 a bar as opposed to more a service area.

16 The restaurant serves a Sunday brunch
17 which has been extremely popular, which is
18 more typical again as a Latin brunch as
19 opposed to what you would see in an American
20 service restaurant. And they would continue
21 to do that. That would be part of their

1 Sunday service, and then they would have an
2 evening meal service as well.

3 The latest they're open is eleven
4 o'clock. So it's eleven o'clock closing.
5 Any nights that they are open with -- opening
6 during the day at approximately at noontime.

7 The financials are in the folder. I
8 can go through them if you like. This is
9 considered to be estimating a \$300,000
10 investment, half of which is from a bank loan
11 from Mercantile Bank, the other half is from
12 personal funds of the individuals. And with
13 that why don't I have Andreas talk about the
14 business itself, and then you may want to ask
15 him some questions and then Martha can tell
16 you about her background, which she's worked
17 at the existing restaurant for the past five
18 years on a part-time basis. Her background
19 really is in banking and bank management.

20 ANDREAS GRANGER: My name is Andreas
21 Granger. We started Ori noco -- we just

1 celebrated our fifth year in the South End
2 location. The South End location operates
3 pretty similar to what we intend to do here
4 in Harvard Square. In April it will be three
5 years for our location in Brookline.
6 Brookline it's a little larger, and we do
7 hold a full liquor license there. Here in
8 Harvard Square we're hoping to basically
9 entertain the same sort of model as we have
10 in South End, which is as Bill mentioned,
11 service at the table, provided by server
12 staff and beer and wine only served to the
13 table. We won't have any kind of bar
14 dedicated staff selling or making drinks of
15 any kind.

16 We've been pretty lucky. I consider
17 myself pretty lucky. I pinch myself every
18 day that we developed such a tremendous good
19 will in all the neighborhoods that we
20 operate. We're really looking forward to
21 coming into Harvard. I think the location we

1 found is a terrific fit for what the model
2 is.

3 As much as Martha and I are in tune
4 with our roots which happen to be Venezuelan.
5 We both came to school here and stayed many
6 years ago. But we consider the kitchen our
7 restaurant, our menu, pan-American. It takes
8 influences from other regions of
9 Latin-America, particularly the Andean
10 regions; Peru, Ecuador, but also the
11 Caribbean region. Venezuela happens to be a
12 very Caribbean country. So, we do offer
13 something that's quite unique. If you get a
14 chance to go through the documentation that
15 we've provided, you will see reviews there
16 from anywhere from the Boston Globe to the
17 New York Times, the Financial Times of
18 London. We've been on TV several times. And
19 again, we're totally unpretentious. Casual,
20 affordable. We do think we provide
21 tremendous value, and I think this is why our

1 customers keep coming back and they give us
2 the good will that they have for so long.

3 MICHAEL GARDNER: So, could you --
4 who will be the manager of record and who
5 will be spending most of the time there?

6 MARTHA GARCIA: I am. I will be.

7 MICHAEL GARDNER: Okay. And could
8 you tell us a little bit more about your
9 experience?

10 MARTHA GARCIA: I've been working
11 for Orinoco the past five years on a very
12 much part-time basis because I do have a
13 full-time job as a banker. And as I said
14 before, usually it's around, you know, 25
15 hours a month or so hostessing, you know,
16 serving. Just helping him on the day-to-day
17 operations, but again, in a very much
18 part-time basis. And my intention is to have
19 a complete career change to assist him in
20 this new endeavor. Hopefully, you know,
21 soon.

1 GERALD MAHONEY: Had enough of
2 banking?

3 MARTHA GARCIA: Well, I've been a
4 banker since 1987. So I think it's about
5 time to, you know, to work in a
6 family-oriented kind of business, you know,
7 for our own. And I believe that he needs, he
8 needs my help.

9 ANDREAS GRANGER: She was my big
10 backer and loyal supporter when I -- this was
11 just an idea. And I've been pretty lucky to
12 have her support, and I look forward now to
13 have her support as assisting me in moving
14 this to the next level.

15 MICHAEL GARDNER: So, what sort of
16 experience have you had in managing, anything
17 to do with liquor?

18 MARTHA GARCIA: Well, you know, just
19 the little experience that I have I already
20 know from working on a part-time basis. Just
21 taking the orders, serving them and that's,

1 you know, that's basically it. For 20, 25
2 hours a month roughly.

3 ANDREAS GRANGER: I joke often that
4 yes, I own a restaurant, yes, I'm a server
5 I'm a host, I'm an electrician and a plumber
6 and a psychiatrist sometimes. Whenever there
7 was a need, whenever we could fill a hole, I
8 had to pull her in and she was always there
9 whether it was a private event, whether it
10 was a basic Friday, Saturday night or a
11 catering event, you know. So she's, she's
12 well familiarized with the business. She's
13 been part of it. She knows it because I
14 don't do anything without consulting with her
15 first.

16 She's in the process of applying to
17 obtain the TIPS certified and also to get the
18 Safe Serve certified. So she's going through
19 all that process to get us to the point where
20 we're hoping she's ready when we open.

21 ATTORNEY BILL FIORILLO: And

1 Mr. Granger will clearly be involved in the
2 set-up establish start up. He can't be the
3 listed manager again with two other
4 restaurants that require greater push of his
5 time. But initially he will be directly
6 involved in this until it's up and running,
7 until Martha has sufficient enough hands-on
8 experience in addition to what she's had
9 already.

10 MICHAEL GARDNER: I wonder if you
11 would talk to us a little bit about what you
12 anticipate to be the challenges that you'll
13 be facing, and in particularly what areas you
14 would think of as your biggest learning
15 curves?

16 MARTHA GARCIA: Well, the challenge
17 would be just to be part of a new endeavor, a
18 new venture for us. I mean, as I said
19 before, I have been involved in some of the
20 day-to-day operations, so I don't, I don't
21 think it jumps to the challenge for me. I

1 don't think it's going to be that much of a
2 challenge to manage a staff. As a matter of
3 fact, I do have managerial experience. I
4 used to be the assistant branch officer of
5 one of the major -- well, the bank doesn't
6 exist anymore, but one of the busiest offices
7 at the time for this particular -- for this
8 particular branch, I manage around, you know,
9 I have a staff of 20 people that I managed.
10 So in that sense I think I'm pretty much okay
11 in terms of experience. It's just a
12 challenge of going from banking to food
13 service on a full-time basis. I think that's
14 what's gonna be my -- if you want to say my
15 major challenge. But I'm more than prepared
16 to take on this new, this new adventure as I
17 call it.

18 MICHAEL GARDNER: And could you
19 describe what your plans are with respect to
20 the food preparation or the chefs, the
21 cooking?

1 ANDREAS GRANGER: Well, we do have a
2 third sort of business partner. He's not an
3 owner per se, but he -- he's an executive
4 chef and he runs the Brookline location. I
5 happen to manage the other location. Martha
6 will be handling this one. This is actually
7 a combination of a dream that three people
8 came together and made it happen. The chef
9 takes over all the operational
10 responsibilities. He manages all the kitchen
11 staff, the training, the procedures, all of
12 that. Martha and I are pretty much on the
13 business side of things and what they call
14 the front of the house, managing the front of
15 the house staff, the servers, and making sure
16 that, you know, we're doing everything that
17 we can try promote and bring customers
18 through the door. So, and also we would be
19 responsible for making sure that we're up to
20 date with all our permits. We're basically
21 the face of the organization.

1 MICHAEL GARDNER: I guess if one
2 business is going out and another's coming in
3 and there's some purchase and sale involved
4 and there's a no transfer liquor license
5 which is being turned in and another one
6 being applied for, sort of at least makes me
7 think about the issue of whether or not in
8 fact that process of turning in and getting
9 another license has got any value to it at
10 all. I wonder if you could just describe a
11 little bit your thoughts about that, sir,
12 since we have put such stock in
13 non-transferable licenses.

14 ATTORNEY BILL FIORILLO: Well, I
15 think it fits the situation you've created.
16 Meaning, the application speaks to the amount
17 of money being used for the purchase, which
18 our office does lots and lots of liquor
19 license transfers primarily in Boston, but
20 all across the state. The value of licenses
21 as someone -- I think one of the fellows from

1 Quincy mentioned, just fluctuate tremendously
2 based on what's available. The license I
3 sold within the last couple of months in
4 Boston sold for \$425,000. What's reflected
5 here is nothing like that. So, the
6 non-transferability is, in a sense, in my
7 personal opinion irrespective somewhat as a
8 practitioner is good and bad. Meaning the
9 people who have used the license at that
10 location for a period of time have a business
11 at this point in time they've decided to
12 their business likely is not financially what
13 they expected of the business, and wish to
14 sell what they've put into the business being
15 build out, equipment, fixtures, etcetera.
16 And that's the limit of what they can sell at
17 this point. It's not a transferable good
18 will because we're not doing a similar Small
19 Plate concept, and there's no license to buy.
20 Some people think of that as a good thing.
21 Some people think of that as not such a good

1 thing, because if market conditions as such
2 and they own a liquor license, that takes the
3 value a lot. I think the difference here
4 that it's been for us is we've been at this
5 for how many months?

6 ANDREAS GRANGER: Three months
7 maybe.

8 ATTORNEY BILL FIORILLO: Without
9 being able to find a single license, because
10 we were encouraged to search out available
11 license for purchase which we were willing to
12 do, and it puts the whole arrangement of the
13 purchase and the sale in limbo because we
14 can't operate this business without a wine
15 and malt license to be quite honest. To be
16 competitive in this marketplace and to be
17 able to serve this type of food and cuisine
18 and everything becomes a contingency. It
19 makes it difficult for both the seller and
20 the buyer under those conditions. As far as
21 the equity of the fairness of knowing, making

1 huge profit out of a license, I think it's a
2 great idea. You know, I think it allows a
3 city or town a little bit more flexibility in
4 sort of a control rather than making this a
5 valuable commodity that somebody gets lucky
6 and buys one when the market is low and then
7 sells when it's high. So, I don't think
8 that's the thought process behind liquor
9 licenses. I don't think it ever was intended
10 to be that way. But I think, you know, for
11 that aspect it's good. The difficulty it
12 puts, as I say, the process in limbo for the
13 parties and it makes it kind of
14 tension-filled period of time.

15 MICHAEL GARDNER: And would you just
16 describe what your house supplies will be
17 received and how you'll handle trash?

18 ANDREAS GRANGER: We will handle it
19 pretty much how it's been handled all these
20 years through the previous owners. There's
21 an access alley. We will have to drop on the

1 curb and bring in from the curb. So that
2 happens about three to four times a week. We
3 currently have a great relationship with
4 Kinsella Waste. They handle both of our
5 accounts. We will see -- Brookline, it's a
6 little larger. They do more. They do four
7 times pick up. The South End we do three. I
8 would imagine we do three here as well.

9 MICHAEL GARDNER: These are latched
10 dumpsters or dumpsters that are capable of
11 being closed?

12 ANDREAS GRANGER: Absolutely.
13 They're wheeled. Three to four we have.

14 ROBERT HAAS: So is there a bar in
15 this establishment?

16 ANDREAS GRANGER: There is a counter
17 is how we should refer to it in the drawing.
18 We won't have a dedicated staff serving.
19 It's basically for people who will be waiting
20 or for people who want to come in and eat by
21 themselves. The servers themselves will be

1 serving the beer and wine, and it will be at
2 table service.

3 ROBERT HAAS: So I kind of share the
4 same concerns that the Chair has with respect
5 to experience, because I mean there's a way
6 to offset that if you have somebody who's
7 dedicated to pouring drinks to now a manager
8 of record who has no prior experience with
9 respect to managing or having a record for
10 being a manager of record for a liquor
11 license. So I'm trying to figure out how
12 you're going to compensate for that. I don't
13 think the TIPS certification and 21-Proof
14 training is going to adequately prepare you.
15 This experience really educates you in terms
16 of making sure you monitor the activity
17 closely. I'm just trying to figure out --
18 could you just talk about how you're going to
19 offset that?

20 ANDREAS GRANGER: If I can clarify a
21 little bit about what Martha is saying.

1 She's not new to any of this. She's been
2 very involved from the get-go since we
3 started five years ago. She's not been a
4 full-time employee in that regard. But she
5 knows the business. She's been there with
6 me. She's cover and filled holes whenever
7 we've had because a server didn't come in or
8 anything like that. So, she knows the
9 business. Aside from bringing in somebody
10 who's -- who doesn't have the management, I
11 would totally rely on her previous
12 experience. We have somebody who is a total
13 professional who has a very high end sort of
14 job with big responsibilities. So I think
15 that's a skill that she would be able to
16 transfer and take her responsibilities very
17 seriously.

18 ROBERT HAAS: So, Ms. Lint, do you
19 have any concerns of the gentleman?

20 ELIZABETH LINT: I was going to
21 bring it up.

1 issue. As I would expect the Commission
2 realizes that the greater sense of management
3 that is what I would call responsibility and
4 maturity, this is a restaurant. It's not
5 intended to be an alcohol service location.
6 So your service of alcohol should be in
7 conjunction with meals. And that's the goal
8 here. Not to be serving people a drink
9 rather than serving them a meal that they
10 order an alcoholic beverage with. You know,
11 as I'm saying, Martha has experience within
12 the business of five years. It's not full
13 time because of her -- what's been her life
14 experience and profession but will be here.
15 So, I think the combination of being involved
16 in a restaurant and her responsibility of
17 maturity makes her an excellent candidate as
18 manager.

19 MICHAEL GARDNER: Thank you.

20 Ms. Lint, what do you have there?

21 ELIZABETH LINT: So, Raj Dhanda who

1 is the owner of Harvard Square Holdings, LLC,
2 is the immediate abutter to the north side of
3 56 JFK Street, poses several questions.
4 Well, it's opposed for several reasons. He
5 says, the access to the restaurant which is
6 located in the back of the building at 56 JFK
7 Street is through a very narrow, dark and
8 long alley no wider than five to six feet.
9 The alley is half owned by Harvard Square
10 Holdings and half by the landlord at 56 JFK.
11 The alley poses serious risk of injury,
12 particularly if someone has had one too many
13 alcoholic drinks.

14 Small parking area behind 54 JFK Street
15 which has easements to the owner of 56 JFK
16 Street is also dark and not maintained. Snow
17 and ice accumulates and is not removed by the
18 landlord at 56 JFK Street, and again poses
19 dangerous conditions and possibility of
20 serious injury or crime. Harvard Square
21 Holdings could be potentially liable for such

1 problems. This winter five to six foot high
2 mounds of snow have been left along with
3 thick sheets of ice. I know several
4 individuals have fallen.

5 The alleyway does not conform to --

6 ROBERT HAAS: He means conform?

7 ELIZABETH LINT: Yes.

8 Conform to ADA and is the only means of
9 egress to the street. Applicant states in
10 its advertisement that there is a main
11 entrance on JFK Street with exits on sides
12 and rear. This is inaccurate. There is no
13 main entrance to the restaurant from JFK
14 Street. The entrance, the signage and the
15 menu are all in the alley.

16 MICHAEL GARDNER: So it would be
17 helpful if we could get a response from the
18 applicant -- I'd like to hear from the
19 applicants first.

20 ATTORNEY BILL FIORILLO: I will give
21 you a partial -- we also have property

1 manager here as well. We became aware of
2 this this afternoon. I had a conversation
3 with this gentleman who's a recent purchaser
4 of the abutting properties. And as I stated
5 earlier, this has been the site for a
6 restaurant for 40 years. And I think you
7 folks are much more familiar than I am with
8 the operations that have gone on for 40
9 years, and as far as this being a dark and
10 dangerous alleyway, I think this Commission
11 would have addressed that long ago if in fact
12 that were an accurate statement.

13 I think what you'll hear from property
14 management is there are some issues that the
15 two property owners are dealing with where
16 this individual has a plan to expand this
17 properties and he's not exactly being met
18 with open arms by other property owners in
19 the area. But that has little to do with us
20 unfortunately, but for the fact that we're
21 tenants. We don't, we don't think that

1 there's any issue as far as egress. The
2 Building Department has looked at this for
3 zoning purposes. As we say, this has been an
4 operating, pre-existing restaurant for a very
5 long time. It's not something that's being
6 created now. For the rest of the information
7 as far as whether any of that is accurate or
8 true about conditions of the property itself,
9 I think the property manager is here in the
10 room and will address that for you and also
11 has some diagrams for you.

12 MICHAEL GARDNER: Okay. Before we
13 hear from them, from the perspective managers
14 of the restaurant, do you have any concerns
15 about lighting in any way and how would you
16 respond to the issue of like where your menu
17 is and where the main entrance is?

18 ANDREAS GRANGER: Well, we opened
19 the first Ori noco on the corner of a very
20 quiet part of the South End location. There
21 was no business around. People questioned

1 it. We were like far removed from any of the
2 big streets in the South End. And for the
3 same reasons we thought we were in the right
4 of way. It happens to be my neighborhood. I
5 believed in the neighborhood. I thought that
6 this would be a good addition for the
7 neighborhood. I was met with the same
8 positive response from many of the neighbors
9 around that area. Since then, since we
10 opened that location, three other businesses
11 have opened because we've been an attraction
12 to that area. And all neighbors are fully
13 supportive of the business that we put in.
14 Also, the city allowed us to open a sidewalk
15 cafe, and that was something that was coveted
16 and difficult to obtain, but they were fully
17 supportive.

18 And we have done everything right by
19 the neighbors. We believe that basically we
20 live in a community, we want to do the right
21 thing. These are the people that come to our

1 doors looking to eat at our establishment.
2 We would be foolish to do anything contrary
3 to leaving the civility and the reality. So
4 we would do whatever we can to make sure that
5 we all, we're all doing the right thing.

6 MICHAEL GARDNER: Okay. There are
7 some property management staff here? You
8 should come up and identify yourselves and
9 just explain what you have.

10 TED GALANTE: My name is Ted
11 Galante. I'm an architect and a building
12 manager at 56 JFK Street. And I'll apologize
13 because what's happens here is you're really
14 caught in the crossfire of a neighborhood
15 dispute. Unfortunately. I apologize that
16 Mr. Dhanda has taken this tact.

17 There -- currently -- this is a model
18 of the properties in question. So, this is
19 JFK Street. This is Winthrop Street. This
20 is -- this section of the model is 52-54 JFK.
21 This is 56 JFK Street. This is the church in

1 the back, and this is the parking area in
2 question. You can see the dotted lines
3 represent the property lines. So, that's the
4 parking area and then here -- this is our
5 rear green space in the back of 56.

6 So I manage this building. MIT has
7 owned this building for about 12 years. The
8 woman who owned this building, Genevieve Mc
9 Millen gave this building to MIT to not be
10 sold until her death and it's a long story.

11 Anyway, it recently was for sale.
12 Mr. Dhanda purchased that. And part of our
13 property -- we have an easement for parking
14 back here. Mr. Dhanda is not happy about
15 that. He wants to expand his building to
16 fill in that zone like this, which would be
17 this piece here, creating a long, dark alley
18 which currently doesn't exist. The alley or
19 the space between the two buildings is
20 reasonable. There's light transferable to
21 either side. There's a series of bright

1 light fixtures that Iruna put in for -- Enzo
2 put in for Iruna. I was managing the
3 building when they were here. And when the
4 restaurant is opened, those lights are on
5 because that's how they get people back --
6 they draw people in. So, this is a very
7 well-lit alley that could potentially could
8 become a dark alley if Mr. Dhandra builds his
9 addition. This is not for you, for your
10 judgment. None of his -- he hasn't any
11 approvals. He hasn't any, you know, review.
12 We're still in -- and our issue is really a
13 parking discussion and a fire hazard issue
14 if he builds too close to our building which
15 is something that I'll talk to the fire chief
16 about separately. Again, it doesn't involve
17 you folks and it certainly doesn't involve
18 these folks.

19 What they're applying for is currently
20 this condition. And this is the condition as
21 we know it. We'll say we can't make

1 judgments about what possibly will happen.

2 ROBERT HAAS: What property do you
3 own in the back?

4 TED GALANTE: So, this building
5 right here.

6 ROBERT HAAS: Do you have easements
7 or you own property in the back?

8 TED GALANTE: Easements. We have a
9 driving easement through here and parking
10 back here. Two parking spaces.

11 ROBERT HAAS: Is that deeded
12 parking?

13 TED GALANTE: Deeded parking to this
14 building.

15 ROBERT HAAS: And the points of
16 access to 56 JFK would be where? Just point.

17 TED GALANTE: From Winthrop Street
18 is the parking to the parking area.

19 ROBERT HAAS: For customers coming
20 into the restaurant.

21 TED GALANTE: They come through

1 here. As they do currently now. There's a
2 path right through there. There's a gate --
3 Iruna, iron gate that's there. It's been
4 there. Now it has small gate signs on either
5 side of it. And that has been the access for
6 45 years back to the restaurant. Iruna had a
7 month-to-month lease for 37 years. I wrote
8 them their first lease when they were doing
9 the restaurant. So it's always been a
10 restaurant. It's always been accessible
11 through here, well -lit. You know, and keep
12 in mind we're this tall in this model. We're
13 very small. The space between the buildings
14 I think is about seven feet wide. I don't
15 remember the exact number, but it's seven
16 feet wide and, you know, a clear shot all the
17 way through.

18 The restaurant opens on to -- so the
19 lower windows, those lower black rectangles
20 are windows and it opens onto the walking
21 path so you can see the restaurant, you know,

1 when you're inside that zone there.

2 As to the snow removal and the
3 maintenance of the back parking and the
4 falling area, I wish I had printed them on my
5 phone, those photographs. The responsibility
6 of that maintenance is Mr. Dhanda's. It is
7 not ours. And so therein lies something
8 where you're not -- you're being told facts
9 that are simply not true, being misconstrued.
10 The rear of that building has been
11 unbelievably difficult because of
12 Mr. Dhanda's negligence quite frankly. So,
13 you know.

14 MICHAEL GARDNER: And where's the
15 rubbish picked up at?

16 TED GALANTE: There are barrels that
17 are here that are brought out to the curb.
18 There's a rear yard here, and there are
19 barrels that are here. They're wheelies like
20 the City of Cambridge gave out recently.

21 ELIZABETH LINT: The toters.

1 TED GALANTE: Yeah, the toters. And
2 they get wheel ed out to the street.

3 Pi nocchi o' s has a coupl e back here i n the
4 back of thei r bui l di ng. There are a coupl e
5 scattered around. The church has a coupl e on
6 thi s si de. So, thi s access way used by a
7 number of peopl e for, you know, and i t has
8 been that way, agai n, for qui te sometime.

9 GERALD MAHONEY: Pi nocchi o' s si ts on
10 the corner of that bui l di ng?

11 TED GALANTE: Pi nocchi o' s i s ri ght
12 here.

13 ROBERT HAAS: Who mai ntai ns that
14 al l eyway then?

15 TED GALANTE: Thi s?

16 ROBERT HAAS: Yes.

17 TED GALANTE: The restaurant. The
18 restaurant has al ways mai ntai ned that. And
19 actual l y at thi s poi nt si nce the bui l di ng was
20 sol d, I took over the mai ntenance of that
21 wi th snow removal and such for other reasons.

1 ROBERT HAAS: So you identified
2 yourself as an architect. You don't have any
3 ADA concerns then with respect to the width
4 of that alleyway?

5 TED GALANTE: Currently there is not
6 ADA access to 56 or 52-54. And in fact,
7 what's not correct in the model is that there
8 are three steps or four steps to get from
9 here up to there. And Mr. Dhanda's addition
10 has a proposal of putting ADA access here,
11 which quite frankly puts people right in
12 harm's way which is highly a risky proposal.
13 So the building, if there were renovations to
14 this building that were significant enough,
15 we would put in proper access.

16 ROBERT HAAS: Okay. So you couldn't
17 do that, though, the way the building's
18 configured, right?

19 TED GALANTE: There are ways of
20 doing it through the front of the building
21 that would require some, some involved

1 renovations, but we thought about them. With
2 the trustees and I we've thought about ways
3 of handling that.

4 ROBERT HAAS: Okay.

5 MICHAEL GARDNER: So you're still
6 ready to go forward with this?

7 ANDREAS GRANGER: Absolutely.

8 MICHAEL GARDNER: With this
9 neighborhood dispute?

10 TED GALANTE: The neighborhood
11 dispute hopefully, I mean, it's really not a
12 dispute. We leveled some very legitimate
13 claims about fire resistance, handicap
14 access, parking, things that are unrelated to
15 the tenants or the License Commission. And,
16 again, I apologize to everyone here that
17 you're involved in the cross hairs of this.
18 What I like about Orinoco coming in it has
19 this Latin flare that brings back an
20 arena. And I have my (inaudible) once a
21 week. So I'm looking forward to....

1 ROBERT HAAS: So Mr. Dhandra's
2 concerns about the landlord maintaining the
3 snow removal, you're saying it's not your
4 responsibility?

5 TED GALANTE: That's exactly right.
6 It's his responsibility -- MIT has been
7 maintaining that building -- sorry. Codman
8 and Company as a representative of MIT has
9 been maintaining that building since it was
10 given to them in 1997. And suddenly it's
11 changed hands, and that maintenance has gone
12 away to the point where his building has been
13 flooding as a result of the snow and it has
14 not flooded in the last 12 years, 13 years.
15 So, there is an issue that Mr. Dhandra has --
16 and in fact, the responsibility to his
17 tenants that he's not maintaining and
18 deferring the responsibility to others. So
19 there's a large issue, but it's not our
20 responsibility.

21 MICHAEL GARDNER: Thank you.

1 TED GALANTE: And there's an old
2 growth tree that he wants to take down. My
3 last job, sorry.

4 MICHAEL GARDNER: Are there any
5 other members of the public who'd like to be
6 heard on this matter? Please come forward
7 and identify yourself.

8 JESSE BAERKAHN: My name is Jesse
9 Baerkahn. I've been involved for the last
10 four years in various capacities of
11 development of restaurants and retail in
12 Kendall Square. I do also live in the South
13 End. I felt compelled to state on the record
14 that Ori noco I believe is one of the best
15 restaurants in the South End. It is
16 accessible, it is affordable. And it is so
17 well managed. There's not one issue that's
18 come up in my experience both working in the
19 restaurant industry and being a diner that I
20 don't think this team can handle, whatever it
21 is. I think Cambridge and Harvard Square

1 should be delighted to have them coming
2 across the river, and without hesitation 100
3 percent support their allocation and I really
4 think they're wonderful.

5 MICHAEL GARDNER: Thank you.

6 Any other members of the public who'd
7 like to be heard? Yes, please come forward
8 and identify yourself.

9 DENISE JILLSON: For the record,
10 Denise Jillson. I'm the executive director
11 of Harvard Square Business Association. And
12 there's so much to say about this. First of
13 all, delighted that Orinoco is interested in
14 coming to Harvard Square. I've actually been
15 to the restaurant in the South End when it
16 first opened and, you know, I've been to
17 Venezuela a couple times, in 2008 and
18 recently in August of 2010. And I can say
19 that the food is amazingly authentic. It's
20 just like you would find in Venezuela. And,
21 you know, it's a wonderful country with

1 wonderful people and great food. And this
2 restaurant is the same. You know, it's a
3 wonderful, warm great restaurant, great food
4 and lovely people. So, we're looking forward
5 to this.

6 I think as Ted said, you know, the --
7 that location is interesting because, you
8 know, Iruna had been there as Ted said, for
9 37 years. And then they left. And, you
10 know, then (inaudible) came and they were
11 only there for ten months. And, you know,
12 one of the reasons we have a no value
13 non-transferable for a fee license is out of
14 review that came as a problem that Conundrum
15 had that they purchased a license for an
16 incredible sum of money that left them
17 virtually bankrupt after ten months and they
18 took a second mortgage on their home and lost
19 that. So it was just a horrible story. And
20 then we were lucky enough that Jerome came
21 with Small Plates and, you know, a lovely

1 addition to the Square. And one of the
2 things that was so wonderful is to have this
3 policy, because Jerome also tried to find a
4 license and he couldn't. So we had a
5 restaurant with a great mom and pop feel and
6 wonderful food and a great concept, and he
7 would have never been able to be in business
8 had that option not been available. And much
9 like, much like Orinoco where there aren't
10 options to have this as a potential is a
11 great thing. So we're pleased about that.

12 I think in terms of satisfying some of
13 the requirements that we have -- that have
14 been laid out before us, I think it would be
15 an impossibility particularly having been to
16 Venezuela, I know how the people eat, that
17 you can't have Venezuelan food without having
18 an adult beverage. Even children, it's just
19 not just possible.

20 ROBERT HAAS: You're not going to
21 serve children, are you?

1 DENISE JILLSON: There's an
2 overwhelming need of that.

3 And the other thing is that just in
4 terms of overwhelming support certainly maybe
5 with the exception of one neighbor, the
6 Harvard Square area has been incredibly
7 excited and receptive to having a Latin
8 restaurant return to the site of Iruna, and
9 that we look forward to it. So I would
10 absolutely lend our overwhelming support.

11 And is there one other requirement that
12 we have to meet?

13 ELIZABETH LINT: That there's a need
14 for another license in the area.

15 DENISE JILLSON: Oh, of course.
16 Well, otherwise the place would be vacant.
17 And that's the -- that's reality. You know,
18 it's a challenge that space, indeed. You
19 know, it is down that -- you know, it's off
20 the street and it's hard to get to. And, you
21 know, it presents a challenge. Once you're

1 there and you realize that it's probably one
2 of the most charming spaces in Harvard
3 Square, particularly in the summer with the
4 beautiful patio, but it's very difficult to
5 get there. So I think that, you know, that
6 the challenge of the location, while it lends
7 all of the charm in the world, you need to
8 have a reason to go back there. And you're
9 not going to go back there if you don't have,
10 you know, a full, a full complement. You're
11 just simply not going to do that. You're
12 going to go to Philippe's and get a burrito
13 and that will satisfy your Latin. But if you
14 want the full experience, you have to have
15 the full experience. So hopefully I have
16 pleaded the case and satisfied all those
17 requirements.

18 But on, you know, seriously on a very
19 serious note, it's a difficult -- it would be
20 difficult for a restaurant with a reputation
21 that Ori noco has, and they have indeed an

1 i ncredi bl e reputati on. And I thi nk, you
2 know, and Jerome i s here and Jerome can
3 certainl y speak to thi s, you know, one of the
4 chall enge s that face anybody i n that locati on
5 i s sort of the exposure to the street. So i f
6 you have a fol lowi ng al ready and peopl e know
7 that you' re openi ng, i t' s goi ng to real l y
8 help a l ot. And I -- woul dn' t you say?

9 JEROME PI CCA: Absol utel y.

10 DENI SE JI LLSO N: And Jerome mi ght
11 want to speak to thi s i ssue. But, you know,
12 there' s a whol e conti nent of Venezuel an
13 peopl e i n Boston area that wi ll go to Ori noco
14 and they wi ll want to experi ence the full
15 compl ement. And they' re goi ng to have
16 troubl e fi ndi ng i t. And we' re goi ng to need
17 somebody out front l ike di recti ng traffi c.
18 Because the bi ggest probl em I have wi th thi s
19 si te i s that you do have to wait i n l i ne
20 because i t i s so popul ar. The ni ght we went
21 i t was freezi ng col d, i t was rai ni ng and we

1 waited almost an hour and a half to get
2 dinner. But I have to tell you once we did
3 that, the best chocolate dessert in the
4 world.

5 Thank you.

6 ROBERT HAAS: One of the things
7 we've suggested in the past for people to
8 demonstrate overwhelming support of the
9 neighborhood is actually have somebody stand
10 by in the front of the restaurant and collect
11 signatures. It does a couple things: One,
12 it educates the people that you're going to
13 be there. And secondly, it demonstrates
14 overwhelming support that you have folks who
15 are willing to sign off. I'm not sure what
16 your time frame is, because I think that's
17 going to be some of the difficulty we're
18 going to have in terms of satisfying the
19 requests unless we've got something beside --
20 and as much we value Ms. Jillson's opinion, I
21 think you're going to have to demonstrate a

1 little more of overwhelming support of
2 obtaining a non-value non-transferable liquor
3 license.

4 ATTORNEY BILL FIORILLO: Well, we
5 would mention, the gentleman who testified
6 who's non-solicited by who I believe was here
7 for an earlier hearing, is an example of some
8 of the e-mails we've received. Once the
9 notice was printed in the paper some of the
10 customers who are Cambridge residents sent
11 e-mails in to and Andreas expressing their
12 excitement about the fact that Orinoco will
13 be coming to Harvard Square. I think that's
14 an example of what you -- speaking about
15 short of going out on the street with the
16 clipboard which you can weigh that to
17 whatever value having --

18 ROBERT HAAS: It's been successful
19 for other people.

20 ATTORNEY BILL FIORILLO: -- getting
21 experience in getting signatures for just

1 about anything. As you know, at a
2 supermarket you get a thousand signatures for
3 just about anything on any given day. But,
4 again, I raise that.

5 Let me address one other thing about,
6 quote, adding to the Cap. And needless to
7 say the net effect is zero because it's a
8 turn-in as a non-transferable. So although
9 it's a new license, the net effect becomes
10 zero when you put a non-transferable in place
11 of a non-transferable.

12 MICHAEL GARDNER: Yes, that was -- I
13 was wondering about whether or not the
14 history of the License Commission is to think
15 about that piece of any particular
16 application and whether or not either the
17 standard is thought of as changing in any way
18 or how we have approached a net out on a
19 non-transferable. And if anybody's got any
20 experience with that, I'd love to hear it.

21 ELIZABETH LINT: That's certainly

1 always been considered, that when one goes
2 out, one comes in. At the same time,
3 however, particularly in Harvard Square
4 because of some of the difficulties some
5 licensees have been put through to obtain a
6 license because groups came out in opposition
7 saying, you know, there are too many licenses
8 in the Square and we don't need them, that to
9 just suggest simply that because one's going
10 out and another one's coming in that that's
11 okay. That they still have to meet some of
12 the other steps.

13 I think it would be helpful if some of
14 the e-mails were provided for the file.

15 ANDREAS GRANGER: Unfortunately,
16 yeah, I didn't bring them. But I can also
17 say that one of the Deans at Harvard -- it's
18 a neighbor of ours in the South End, and I'm
19 kicking myself now that I didn't have her
20 write something because she's really excited
21 about the idea of us coming onboard.

1 ROBERT HAAS: So if you had a
2 customer base that you think you're going to
3 attract to Cambridge, that would be helpful
4 to see some of the correspondence.

5 MICHAEL GARDNER: I think there is
6 -- I am interested in whether or not there
7 are any other members of the public who would
8 like to be heard on this. I know that one
9 was specifically recruited. And so I would
10 invite anybody else who would like to speak
11 to please come forward and identify yourself.

12 JEROME PICCA: I wasn't recruited.
13 My name is Jerome Picca and I own Small
14 Plates Restaurant on my own volition. But I
15 do want to say that to put things in
16 perspective, the reason why I'm selling the
17 restaurant is I was offered a position with
18 Harvard University last fall, so I'm working
19 for the university full time as a chef. And
20 it's impossible to run a restaurant and work
21 for the university at the same time. I do

1 know in my dealings with Andreas and having
2 visited Ori noco Ki tchen, that he defi ni tely
3 is a reputabl e and honest busi nessman and
4 runs a reputabl e and honest restaurant, two
5 restaurants whi ch are successful . And I
6 thi nk that in the time that I've been there
7 wi th Smal l Pl ates Restaurant, i t's never been
8 a troubl e spot for us. We've never had any
9 di ffi cul ti es. There never have been any
10 vi ol ati ons. And wi th Andreas comi ng i n, that
11 l evel of -- how shal l I put i t?
12 Non-troubl esome busi ness operati ons wi ll j ust
13 si mply -- he' ll si mply rai se the bar on that.
14 I' d be very happy to see Andreas take over,
15 because I thi nk he can bri ng more l i fe i n
16 that l ocati on than I was abl e wi th my
17 concept. Certai nly more so than I can do
18 whi l e worki ng at Harvard Uni versi ty.

19 One other thi ng I' d l i ke to add, too,
20 i s Andreas has an expressed i nterest i n not
21 onl y keepi ng the staff that I have i n place

1 there now, so there's no job loss, but
2 because of the increased hours that he -- I'm
3 only open now -- for dinner five nights a
4 week, whereas I used to be open for a much
5 longer period of time. It was dinner seven
6 nights a week, lunch six days a week. But I
7 cut all of that back. And ultimately that
8 led to layoffs, too, for employees. But
9 Andreas will end up bringing more employment
10 to his operation. So there's a job creation
11 opportunity there, too. And upscale,
12 pleasant restaurant to visit.

13 ROBERT HAAS: What's been your
14 experience in terms of the volume of business
15 given -- I mean, we already talked about the
16 fact that -- yesterday it's kind of --

17 JEROME PICCA: It's very -- well,
18 it's a little hard to say. It's a little
19 hard to judge because of the economy. And,
20 you know, all restaurants across the board
21 were suffering with the downturn in the

1 economy. The economy's turning around.
2 Restaurants are doing much better now. But I
3 chose to take a job with Harvard University,
4 and I'm focusing so much of my attention on
5 Harvard University and not really a lot of
6 attention on the restaurant. What I'm doing
7 with the restaurant is just simply keeping it
8 going. I've got a very good staff in place.
9 My chef, my Sioux chef, the dining room
10 manager, they are running the restaurant but
11 they're not running it as an owner. And I am
12 an absentee owner basically. I leave -- I'm
13 over at Adams Hall so I'm only three blocks
14 away. I leave Harvard University, rush over
15 to the restaurant, check on them, and go home
16 and get some sleep. Back at the university
17 the next day. That's not running a
18 restaurant. That's just checking in. And
19 it's not getting the care and attention that
20 it really would need as a hands-on owner
21 which Andreas will obviously bring to it.

1 But we've had terrific success.
2 Harvard University knows that I'm selling the
3 restaurant there. And their office --
4 Harvard University Hospital and Dining
5 Services is right across the street.
6 Pinochios, Harvard Hospital and Dining
7 Services offices, the parking lot and the
8 restaurant. So they're well aware that I'm
9 selling the restaurant and they're very much
10 in favor. A lot of the faculty, tutors, the
11 house masters, many people live right there
12 in the square. And they're all in favor of
13 this new restaurant and getting me full time.

14 TED GALANTE: I think the volume is
15 there because Iruna did so well for 37 years.
16 So the volume is there to support a
17 restaurant given that history.

18 JEROME PICCA: And we did very well
19 when I was there. The first year the place
20 was very, very busy. I mean, we had waiting
21 lines, too. There were times when it would

1 be pouring rain or, you know, some of the
2 snow that we've had recently, there would be
3 a waiting line for people, and we'd have a
4 Tuesday night or a Thursday night. Obviously
5 Friday, Saturday nights. Even Sunday nights.
6 Sunday nights were very busy nights. Early,
7 early dinners. And we get, most of the local
8 people that would come for the early meals.
9 And then we get the Harvard students that
10 would come later after classes were over.
11 And we close at ten o'clock. And it's really
12 no business -- we're not trying to -- and I
13 don't think Andreas wants to turn the place
14 into a lounge, late night hangout, drink wine
15 and beer kind of operation.

16 ROBERT HAAS: Not with a counter
17 anyway.

18 ANDREAS GRANGER: If I may something
19 else. I think one of the things that made us
20 successful is that we totally blow away
21 people's expectations. I mean, our average

1 ticket is \$25 and that includes a drink and
2 sometimes even to serve for a little more.
3 People do not expect the quality of food they
4 get for that price. None of our entrees is
5 above \$19. And that's been my mantra. I,
6 you know, having worked in corporate life for
7 many years and complaining that I do not have
8 the time to cook, and I always have to eat
9 outside, I've always complained about the
10 dearth of good quality food at affordable
11 prices. And when I say when I do this, this
12 is what it's going to be. So I think people
13 have been tremendously appreciative of that.
14 And the fact that we've kept at it for all
15 this time.

16 The beer and wine license that we have
17 in the South End is also a beer and wine
18 license that is conditioned to food only.
19 And we saw no problem because that's exactly
20 what we wanted to do or what we wanted to be.
21 So. . . .

1 ROBERT HAAS: When would you
2 anti ci pate openi ng?

3 ANDREAS GRANGER: What we, what we
4 I love about the bui lding, and it's funny that
5 we talked about that hal lway, but I mean that
6 al ley, the fi rst thi ng I saw oh, my God, thi s
7 is so romanti c. Thi s goes so well wi th our
8 concept. And so, I was real ly exci ted about
9 it. And it wasn't unti l actual ly I drove
10 around that I realized oh, my God, thi s is
11 I runa's place. I used to take the T al l the
12 way from downtown to come for lunch. And
13 when I fi rst met Ted and I sai d, you know,
14 Ted, they were here for 20 years and he sai d,
15 no, 40. And I used to come often wi th groups
16 of peopl e when I used to work downtown. And
17 I thi nk the space is terri fi c. It's got
18 tremendous -- it's got good bones as we I like
19 to say. What we would love to do is expose
20 the ki tchen.

21 Our offi ci al name is Ori noco, a Lati n

1 Kitchen. The atmosphere we want to create is
2 a homey atmosphere where you walk in, you
3 actually feel like you're eating in someone's
4 kitchen. The kitchen is exposed. And we're
5 looking for the possibility to doing just
6 that. And beyond that, that's pretty much
7 it. We're hoping a month or so construction
8 after permits. So, hopefully middle of the
9 spring.

10 MICHAEL GARDNER: Go ahead.

11 ATTORNEY BILL FIORILLO: Might I add
12 something for the Police Commissioner in
13 terms of the public need?

14 ROBERT HAAS: That's what I was just
15 trying to get the question of volume of
16 business.

17 ATTORNEY BILL FIORILLO: You know,
18 public need --

19 ROBERT HAAS: Well, I'm more for
20 overwhelming support.

21 ATTORNEY BILL FIORILLO: -- is like

1 a great big cloud.

2 ROBERT HAAS: I know.

3 ATTORNEY BILL FIORILLO: If you know
4 what I mean as far as description. But what
5 I would point out is because of the
6 uniqueness of this situation with the
7 non-transferability. If this license were a
8 transferable license at the same location,
9 there's an automatic assumption that the
10 public need has been addressed by the Board,
11 the Commission, in issuing the license when
12 it first decided to consider it and issue it.
13 At that point in time the only consideration
14 by the Board is the qualification of the
15 applicant and whether the applicant is
16 capable of running the operation at that
17 location. So, I raise that because the
18 public need issue, and again, please accept
19 my interpretations, doesn't necessarily
20 require stopping people and asking them if
21 they think there's a public need for this at

1 this location. It's the Commission's
2 decision as to whether this operation fits a
3 public need in that location, and we think it
4 does. And we think the history of the
5 location exhibits that, is that the city has
6 decided that a restaurant, and interestingly
7 enough, generally it's been a Latin-themed
8 restaurant that location has been a great
9 fit. So I submit that that goes a long way
10 of addressing the issue of the public need.

11 ANDREAS GRANGER: On that topic if I
12 may address you to look at -- this was 2009
13 The Improper Bostonian wrote an article, and
14 I think you have copies of that. But it
15 says, we want the best cheap eats for the
16 year. And the caption starts by saying:
17 It's as a founder of (inaudible) Carlos
18 Rodriguez saw the Wall Street storm
19 approaching long before the skies opened up.
20 The recession-proof formula, high quality
21 from scratch regular Latino food like toasty

1 arepas over light-cooked black beans hearty
2 style with grilled marinated chicken all
3 under \$20 mark, was already well-established
4 when every other restaurant in town started
5 trimming unnecessary fat. In fact, the
6 original Salva (inaudible) still draws such a
7 crowd that the line is forming at the
8 Brookline branch.

9 MICHAEL GARDNER: I'd like to just
10 raise with you, sir, as the owner of Small
11 Plates, just this conceptual idea of although
12 the liquor license is no value and
13 non-transferable, we haven't heard it said,
14 well, in negotiating the sale of all of the
15 assets of the restaurant you never exactly
16 know what's in there. So some things might
17 have inflated prices, some might not. What
18 assurance I guess can you give us that part
19 of what you are selling is not the fact that
20 you're turning in your license so it's easier
21 for them to get a license?

1 JEROME PICCA: Well, I'm not sure I
2 quite understand the question, but let me
3 answer it as I think I understand it.

4 MICHAEL GARDNER: All right.

5 JEROME PICCA: I'm required to turn
6 in my license before Andreas is issued a
7 license. So, my turning in the license --
8 I'm not treating it as I'm selling him
9 something. Am I answering?

10 MICHAEL GARDNER: Well, you are. I
11 mean, I guess the question to me is in terms
12 of this situation that we have set up here,
13 with the no value, non-transferable licenses,
14 if -- even though that's what we said we're
15 trying to do, whether or not the marketplace
16 in fact adjusts for that, and these things
17 end up having some value.

18 ATTORNEY BILL FIORILLO: It may be
19 better answered by a buyer, because this is
20 what I've explained to my client is I think
21 it has no value. And if --

1 MICHAEL GARDNER: It's clearly the
2 buyer who runs the risk of over -- of a
3 higher purchase price than in the end ends up
4 being justified.

5 ATTORNEY BILL FIORILLO: Right. But
6 we, you know, we explained to the client and
7 I believe also explained to the seller is we
8 were in the market for buying a license,
9 hence, you know, there was no value in paying
10 something to a seller when in fact we're in
11 the market to buy a license. So, in putting
12 his business plan together, it's been -- his
13 business plan had to be how much am I paying
14 for his business? How much do I potentially
15 have to pay for a license to secure a license
16 to go in there? And as we explained, that is
17 exactly what we did. We went into this
18 looking to buy a license to make this process
19 go quicker, easier. But once again -- and
20 this board knows better than any of us here,
21 just not available is not something that we

1 can find the matter what we've done in terms
2 of contacting business groups, and just
3 speaking to other business owners, and we
4 followed every lead some of which came from
5 the Board itself. So, the quick answer is
6 from the buyer's perspective, it still stays
7 at zero.

8 MICHAEL GARDNER: And when do you
9 intend to turn in the license, sir?

10 JEROME PICCA: Once all of the
11 permits and license requirements have been
12 met. The transition will be a seamless
13 transition. I believe the only time the
14 restaurant will actually cease operations, my
15 restaurant versus Andreas's is during
16 construction and renovations. But, yes, I'm
17 -- I can't give you a date. It's up to this
18 Board.

19 MICHAEL GARDNER: But the turning in
20 of the license is really contingent on the
21 successful purchase and sale of whatever the

1 assets are.

2 JEROME PICCA: The sale won't
3 actually happen unless Andreas is able to
4 obtain that.

5 ANDREAS GRANGER: Yes, it will be an
6 insurmountable risk to think that in this
7 economic environment we will take such a risk
8 without a license.

9 MICHAEL GARDNER: I guess in terms
10 of the criteria that the Board has set up, it
11 does seem to me completely relevant that one
12 themed restaurant is being replaced by
13 another with no net increase. Do either of
14 you have concerns beyond that with respect to
15 meeting the criteria of the License
16 Commission for no value licenses?

17 ROBERT HAAS: No, I agree with the
18 attorney. I think it, you know, basically
19 the needs are demonstrated by the fact that
20 there's been a restaurant there for 40 years.
21 It seems to have done and thrived well and

1 done well despite economic times. I think
2 the demonstration of need and also support
3 again, I think it would be helpful if you
4 just kind of send your comments just to be
5 part of the record.

6 GERALD MAHONEY: Yes, I think the
7 demonstrated the need, and as the attorney
8 said, it really is a tradeoff with regards to
9 the cap. And also to hear your testimony
10 that by the new restaurant coming in there's
11 actually going to be an increase in economic
12 opportunities and jobs for people that an
13 increase in business. And Ms. Jillson has
14 demonstrated that the business association in
15 Harvard Square is looking forward to the
16 restaurant being in operation as well.

17 MICHAEL GARDNER: Any other members
18 of the public who would like to be heard?

19 (No Response.)

20 MICHAEL GARDNER: For anything that
21 hasn't been said yet in whatever hour?

1 GERALD MAHONEY: I'd make a motion
2 that the license be issued in accordance with
3 the application.

4 ROBERT HAAS: I would just amend the
5 motion to require you to get 21-Proof
6 training. And I would encourage you to go
7 forward with the TIPS Certification process.
8 You're going through the Safe Serve
9 Certification. In Cambridge you're required
10 to undergo 21-Proof training. And I would
11 encourage anybody else that's serving, but I
12 would imagine your staff's already been
13 through some of that training?

14 JEROME PICCA: Oh, yes.

15 ROBERT HAAS: So I would think you
16 get through the training as well.

17 MICHAEL GARDNER: Before the vote I
18 do have a question. Can you just describe
19 the patio operation?

20 ANDREAS GRANGER: Right now I
21 believe we're petitioning for 12 seats. It's

1 a private patio. I think it's got enormous
2 potential to make it a little bit more
3 welcoming and lighted and more attractive.
4 And even to extend a little bit into the fall
5 time, but we're, we're willing to enhance
6 what we have if --

7 MICHAEL GARDNER: And on the model
8 that we saw, is it on the back of the
9 building?

10 ANDREAS GRANGER: Yes.

11 MICHAEL GARDNER: That open space in
12 the back?

13 TED GALLANT: Yeah.

14 MICHAEL GARDNER: And have you
15 operated a patio?

16 JEROME PICCA: Yeah, yeah. It's
17 very popular.

18 MICHAEL GARDNER: All right. All
19 right. Well, all those in favor please
20 signify by saying "Aye."

21 (Aye: Gardner, Haas, Mahoney.)

1 MICHAEL GARDNER: None opposed.

2 Good Luck wish you well.

3 ANDREAS GRANGER: Thank you.

4 * * * * *

5 ELIZABETH LINT: Application Dong
6 Garden, LLC doing business as Chicken Now,
7 Wan Xin Dong, manager, has applied for a
8 common victualer license to be exercised at
9 100 Cambridge Side Place, Galleria Mall Food
10 Court. Said license if granted would allow
11 food and non-alcoholic beverages to be sold,
12 served, and consumed on said premises
13 operating during mall hours.

14 MICHAEL GARDNER: So, someone always
15 has to be last. Thank you for your patience
16 in waiting. If you could just identify
17 yourselves and your role for the record,
18 please.

19 WAN XIN DONG: My name is Wan Xin
20 Dong, W-a-n X-i-n D-o-n-g.

21 CORA XAN: My name is Cora Xan

1 (phonetic). I am her sister-in-law. We're
2 here because we planning to, we want to open
3 a restaurant eastside of Food Court Center.
4 It's in Cambridge Galleria, right? And
5 there's doing business as Chicken Now. That
6 is a -- that kind of restaurant they serve
7 like sandwich, salad and soda. It's kind of
8 restaurant like similar like McDonald,
9 similar.

10 GERALD MAHONEY: Fast food?

11 CORA XAN: Fast food, yeah, right.
12 So, it's the operation hour from ten a.m. to
13 nine p.m. seven days a week. Sunday I guess
14 is -- I believe is from twelve p.m. to seven
15 p.m.

16 MICHAEL GARDNER: And who will be
17 managing the operation and could you describe
18 your experience?

19 CORA XAN: Okay. Both of us will be
20 manage at the place. And my sister-in-law
21 don't speak a lot of English, but she got a

1 lot of experience in Chinese food and she
2 manager as in Chinese food about seven years.
3 And she speak limited English, but I will help
4 her together.

5 MICHAEL GARDNER: And where has the
6 experience been for those seven years?

7 CORA XAN: Both of us working at the
8 C1 Buffet, Lawrence, Massachusetts, for seven
9 years as part-time job. And right now she
10 also running at the -- another food court
11 center M Square, Massachusetts. It's called
12 China Max, Chinese restaurant.

13 And me, I'm still doing part-time job
14 in the C1 Buffet, at the C1 Buffet, Lawrence.

15 MICHAEL GARDNER: And the restaurant
16 where you are now, the fast food restaurant,
17 what's the location of that?

18 CORA XAN: 100 Cambridge Place.

19 MICHAEL GARDNER: I'm sorry, as I
20 understood it, you both were doing part time
21 work in Lawrence.

1 CORA XAN: Before, she working at
2 the C1 Buffet.

3 MICHAEL GARDNER: Right. And where
4 are you working now?

5 CORA XAN: She working --

6 WAN XIN DONG: Emerald Square.

7 CORA XAN: Emerald Square.

8 GERALD MAHONEY: Emerald Square?

9 MICHAEL GARDNER: Emerald Square?

10 GERALD MAHONEY: In North Attleboro?

11 WAN XIN DONG: Yeah, North
12 Attleboro.

13 CORA XAN: Yeah.

14 MICHAEL GARDNER: I would not have
15 known Emerald Square was in North Attleboro,
16 so my hat's off to you.

17 GERALD MAHONEY: Well, I have three
18 daughters that love to shop.

19 CORA XAN: Yes, she work inside the
20 food court center now as a manager.

21 MICHAEL GARDNER: As a manager?

1 CORA XAN: Yeah.

2 MICHAEL GARDNER: With how many
3 staff?

4 WAN XIN DONG: How many working
5 there?

6 MICHAEL GARDNER: How many do you
7 manage now? How many work there?

8 CORA XAN: Right now she's about
9 five, right? (Speaking Chinese).

10 I'm sorry, I'm interpret for her.

11 MICHAEL GARDNER: That's okay.

12 WAN XIN DONG: Around five, yeah.

13 MICHAEL GARDNER: And how many staff
14 do you anticipate in the location in the
15 Galleria Mall?

16 CORA XAN: I think between five to
17 ten. And I doing a manager at the C1 Buffet,
18 I manager about ten employees.

19 MICHAEL GARDNER: So your part-time
20 work is as a manager as well?

21 CORA XAN: Yes. If she want me

1 doing the full time, I will.

2 MICHAEL GARDNER: And is there a
3 business operating in this space now that
4 you're going to replace?

5 CORA XAN: What do you mean?

6 MICHAEL GARDNER: Has any other
7 business been in the space that you're going
8 to be occupying?

9 ROBERT HAAS: This is not new space
10 for you, right? You're replacing an existing
11 business?

12 CORA XAN: Yeah. Before this
13 location it's called Shrimp Market.

14 GERALD MAHONEY: Is Chicken Now, is
15 that a chain?

16 CORA XAN: Yeah, franchise.

17 GERALD MAHONEY: So this is a
18 franchise operation?

19 CORA XAN: Yeah.

20 GERALD MAHONEY: Is there another
21 one in the Greater Boston area?

1 CORA XAN: Yeah, Brai ntree just
2 opened new one, and her husband worki ng there
3 as a manager.

4 MI CHAEL GARDNER: Where i n
5 Brai ntree?

6 CORA XAN: Brai ntree, South Shore
7 Pl aza i nside the food court.

8 MI CHAEL GARDNER: I n the pl aza. At
9 the food court i n the pl aza?

10 CORA XAN: Yeah, i nside the food
11 court.

12 MI CHAEL GARDNER: And di d that j ust
13 open?

14 CORA XAN: Yeah, open up by thi s
15 month. Yeah, we both of us, go there for
16 trai ni ng.

17 MI CHAEL GARDNER: And who' s
18 responsi ble for l ike the orderi ng of suppl i es
19 and managi ng the trash and rubbi sh?

20 CORA XAN: We wi ll be orderi ng the
21 suppl i es l ike the dumpster, waste. The food

1 court, we pay for the common area fee. I
2 think it -- the food court management were
3 taking care of that part because we pay for
4 that.

5 MICHAEL GARDNER: Right, okay.

6 GERALD MAHONEY: When do you expect
7 to open?

8 CORA XAN: If that's approved, I
9 hope we can open up by March.

10 GERALD MAHONEY: Really? By March?

11 CORA XAN: I hope.

12 GERALD MAHONEY: That's only six
13 days away.

14 CORA XAN: Six days a week?

15 GERALD MAHONEY: Six days away.

16 CORA XAN: Middle of March.

17 GERALD MAHONEY: Okay.

18 CORA XAN: Middle of March if
19 approve. They really big construction.
20 Another two more week we be done.

21 GERALD MAHONEY: Are they continuing

1 to open other locations in the Boston area?
2 You said there's one in Braintree. There
3 will be one in Cambridge. Are they rolling
4 these out into other like food courts, other
5 malls in the area?

6 CORA XAN: We -- the -- yeah, they
7 are continue open.

8 MICHAEL GARDNER: And are you --
9 will you be managers or owners?

10 CORA XAN: She is the owner. I will
11 be help her.

12 ROBERT HAAS: So are you going to
13 give up your other jobs or are you going to
14 work them as well?

15 CORA XAN: My boyfriend help me
16 manager in other restaurant, C1 Buffet and I
17 can spend more time to help her. So that
18 way, you know, we can run it better.

19 ROBERT HAAS: No other questions.

20 MICHAEL GARDNER: Anything?

21 GERALD MAHONEY: I'm all set.

1 MI CHAEL GARDNER: Pleas ure of the
2 Commi ssi oners?

3 ROBERT HAAS: Make a moti on to
4 approve.

5 GERALD MAHONEY: Second.

6 MI CHAEL GARDNER: Havi ng been moved
7 and seconded, all those in favor signi fy by
8 sayi ng "Aye. "

9 (Aye: Gardner, Haas, Mahoney.)

10 MI CHAEL GARDNER: None opposed.

11 Note that there are no members of the
12 audi ence here to speak ei ther in opposi ti on
13 or in favor so I skipped that part. But,
14 it' s been approved, wish you wel l and best of
15 l uck to you. Good l uck.

16 CORA XAN: Thank you very much.

17 WAN XI N DONG: Thank you.

18 * * * * *

19 ELI ZABETH LINT: There are
20 rati fi cati ons, but I' m l ooki ng at thi s and i t
21 doesn' t --

1 ROBERT HAAS: It doesn't say
2 anything.

3 ELIZABETH LINT: Well, it doesn't
4 make any sense because one was a sale from
5 Rayco to Beno Cab. And it's Beno financed it
6 and it's two different Medallion numbers so
7 it should be the same Medallion number,
8 because if one was a sale of the Medallion
9 and one was a finance.

10 ROBERT HAAS: Do you want to check
11 on it before we vote on it?

12 ELIZABETH LINT: I don't want to you
13 do anything. I will check this and it will
14 appear another time.

15 MICHAEL GARDNER: Well, looks like
16 this would have been a very good time to have
17 our time for public comment on another issue.
18 We would have gotten through it. So what is
19 the -- what's it look like on the 15th?

20 ELIZABETH LINT: It's going to be a
21 very long night, because we had already done

1 our agenda and everything else.

2 I did get a call from Ms. Gallup today
3 who said that if the Board so chose, she
4 would have no opposition to continuing the
5 three lodging house applications which, you
6 know, that takes no time.

7 MICHAEL GARDNER: Yes, well I guess
8 my sense of it would be if there are any
9 matters which it doesn't cause a hardship to
10 put off, we will presumably be in favor of
11 simplifying the agenda to the extent that it
12 can happen.

13 ELIZABETH LINT: I can see what I
14 can do. But any license applications have to
15 be heard for the period of time that they're
16 filed.

17 MICHAEL GARDNER: Okay.

18 GERALD MAHONEY: That's the 15th of
19 March?

20 ELIZABETH LINT: Yes. The Ides of
21 March.

1 GERALD MAHONEY: That' s ri ght.

2 Beware the I des of March.

3 MI CHAEL GARDNER: Wel l , a moti on to
4 adj ourn i s al ways i n order.

5 GERALD MAHONEY: So moved.

6 ROBERT HAAS: Second.

7 MI CHAEL GARDNER: Al l those i n favor
8 si gni fy by sayi ng "Aye. "

9 (Aye: Gardner, Haas, Mahoney.)

10 MI CHAEL GARDNER: The ayes have i t.

11 (Whereupon, at 8:15 p.m., the
12 meeti ng adj ourned.)

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS
BRISTOL, SS.

I, Catherine Lawson Zelinski, a
Certified Shorthand Reporter, the undersigned
Notary Public, certify that:

I am not related to any of the parties
in this matter by blood or marriage and that
I am in no way interested in the outcome of
this matter.

I further certify that the testimony
hereinbefore set forth is a true and accurate
transcription of my stenographic notes to the
best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set
my hand this 8th day of March 2011.

Catherine L. Zelinski
Notary Public
Certified Shorthand Reporter
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